

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

LIZELLE GONZALEZ	) (	
Plaintiff	) (	
	) (	
VS.	) (	CIVIL ACTION NO.
	) (	7:24-cv-00132
GOCHA ALLEN RAMIREZ,	) (	
ALEXANDRIA LYNN BARRERA,	) (	
RENE FUENTES, and STARR	) (	
COUNTY, TEXAS	) (	
Defendants	) (	

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ORAL AND VIDEOTAPED DEPOSITION OF  
GOCHA ALLEN RAMIREZ  
APRIL 7, 2025

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ORAL AND VIDEOTAPED DEPOSITION OF GOCHA ALLEN RAMIREZ, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on APRIL 7, 2025, between the hours of 10:08 a.m. and 5:26 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Bryant & Stingley, Inc., 701 East Harrison, Suite 200, Harlingen, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

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**Harlingen (956) 428-0755**

**McAllen (956) 618-2366**

APPEARANCES

COUNSEL FOR PLAINTIFF:

DAVID A. DONATTI  
AMERICAN CIVIL LIBERTIES UNION OF TEXAS  
P.O. Box 12905  
Austin, Texas 78711-2905

SARAH CORNING  
ASHLEY HARRIS, via Zoom  
AMERICAN CIVIL LIBERTIES UNION TEXAS  
Staff Attorney  
P.O. Box 8306  
Houston, Texas 77288

LAUREN JOHNSON  
AMERICAN CIVIL LIBERTIES UNION  
915 15th Street NW  
Washington, DC 20005

JUNE (ANNIE) GERSH  
AMERICAN CIVIL LIBERTIES UNION  
125 Broad Street  
New York, New York 10004  
I. CECILIA GARZA  
GARZA MARTINEZ, PLLC  
202 East Sprague Street  
Edinburg, Texas 78539

KIERA GODDU, via Zoom  
AMERICAN CIVIL LIBERTIES UNION  
SENIOR LITIGATION ADVISOR  
125 Broad Street  
New York, New York 10004

ELIZABETH JARIT, via Zoom  
MARIANA (MOLLY) KOVEL, via Zoom  
AMERICAN CIVIL LIBERTIES UNION  
SENIOR STAFF ATTORNEY  
125 Broad Street, 18th Floor  
New York, NY 10004

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**McAllen (956) 618-2366**

## COUNSEL FOR DEFENDANTS:

RICARDO J. NAVARRO  
 DENTON NAVARRO RODRIGUEZ BERNAL  
 SANTEE & ZECH, P.C.  
 549 North Egret Bay Boulevard, Suite 200  
 League City, Texas 78550

## ALSO PRESENT:

David Saldana, Videographer  
 Jorge Cruz, III  
 Emily Mensing, via Zoom  
 Julia Birnbach, via Zoom  
 Lizelle Gonzalez, via Zoom

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10:08 1 THE VIDEOGRAPHER: It is April 7, 2025.  
10:08 2 This is the deposition of Gocha Allen Ramirez. It is  
10:08 3 10:08 a.m. We are on the record.

10:08 4 GOCHA ALLEN RAMIREZ,  
10:08 5 having been duly sworn, testified as follows:

10:08 6 EXAMINATION

10:08 7 BY MR. DONATTI:

10:08 8 Q. Good morning, Mr. Ramirez.

10:09 9 A. Good morning.

10:09 10 Q. My name is David Donatti. I'm one of the  
10:09 11 lawyers representing Lizelle Gonzalez in this case.  
10:09 12 You took an oath just now?

10:09 13 A. Uh-huh.

10:09 14 Q. What does it mean to you to be under oath?

10:09 15 A. To tell the truth.

10:09 16 Q. The court reporter will prepare a transcript of  
10:09 17 everything that we say, so please make sure and provide  
10:09 18 verbal responses rather than nodding or hand gestures.  
10:09 19 Do you understand?

10:09 20 A. Yes, sir.

10:09 21 Q. For the benefit of the court reporter, please  
10:09 22 wait until I finish asking my question before you  
10:09 23 respond. Do you understand?

10:09 24 A. Yes, sir.

10:09 25 Q. If your attorney objects to a question, you

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12:45 1 Q. Now I'm just taking a look to make sure that I  
12:45 2 have the right order. So it looks like the earliest  
12:45 3 message in the conversation is the one at the top of  
12:45 4 the page.

12:45 5 A. Yes, sir.

12:45 6 Q. Is that your understanding as well?

12:45 7 A. Yes, sir.

12:45 8 MR. NAVARRO: What page are you on?

12:45 9 MR. DONATTI: We're on 1065.

12:45 10 MR. NAVARRO: Right.

12:45 11 MR. DONATTI: So this -- the top message  
12:45 12 here.

12:45 13 A. The one with the arrow on it?

12:45 14 Q. You have an arrow on yours?

12:45 15 A. Yes.

12:45 16 Q. You must have my copy. That's okay.

12:45 17 But it's a message from Ms. Garza to  
12:45 18 Ms. Barrera, and it says, "Yes."

12:45 19 A. Uh-huh.

12:45 20 Q. Presumably she is confirming that you didn't go  
12:45 21 under the abortion laws in the sequence of the  
12:45 22 conversation?

12:45 23 A. How -- how are you presuming that?

12:45 24 Q. I'm just going in order from 1064 --

12:45 25 A. Well, I can't make that presumption. If you're

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12:46 1 asking me a -- are you asking me a question?

12:46 2 Q. I'm not. I'm just going --

12:46 3 A. So you're just presuming yourself?

12:46 4 Q. Yes.

12:46 5 A. Okay.

12:46 6 Q. But it's not relevant to my line of  
12:46 7 questioning.

12:46 8 A. Okay.

12:46 9 Q. Although I will observe that that message is  
12:46 10 also deleted.

12:46 11 The next message has not been deleted.  
12:46 12 It's a message from Ms. Barrera to Ms. Garza. And she  
12:46 13 says, "Are you at this meeting?"

12:46 14 A. Okay.

12:46 15 Q. What meeting is she referring to?

12:46 16 A. I have no idea.

12:46 17 Q. Did you host a meeting on April 9th, 2022?

12:46 18 A. No, I did not.

12:46 19 MR. NAVARRO: All right. I -- what page  
12:46 20 are you on now?

12:46 21 MR. DONATTI: Still 1065.

12:46 22 THE WITNESS: 1065, the middle message.

12:46 23 Q. Okay. That's all I think we need from this.

12:46 24 MR. NAVARRO: "Are you at this meeting?"

12:46 25 MR. DONATTI: Oh, can I take back this?

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12:46 1 Appreciate it. Thank you.

12:46 2 MR. NAVARRO: All right.

12:46 3 Q. Skip some of these things. And have you ever  
12:47 4 deleted messages related to this case?

12:47 5 A. Yes, I have.

12:47 6 Q. What messages have you deleted?

12:47 7 A. I remember deleting one message with a defense  
12:47 8 attorney who is a friend of mine by the name of Linda  
12:47 9 Gonzalez.

12:47 10 Q. And what was that message?

12:47 11 A. I don't remember the exact message, because  
12:47 12 it -- it was deleted not -- not after -- not long after  
12:47 13 I sent it. But it was a message where I had told her  
12:47 14 that I didn't intend or want to hurt this young lady,  
12:48 15 and she had then shared that. It was a private message  
12:48 16 to her.

12:48 17 I considered her a friend. I still do  
12:48 18 consider her a friend. And she had shared it with some  
12:48 19 other attorneys who then shared it with, I believe, one  
12:48 20 of the national publications. And I called her up and  
12:48 21 spoke to her, and I told her, "Linda, that was a  
12:48 22 message that was for you privately."

12:48 23 And she said she was sorry. She told me  
12:48 24 that people had read it over her shoulder. And I don't  
12:48 25 know if that's true or not. And that's how it had

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12:48 1 gotten out.

12:48 2 So that's the one message I remember  
12:48 3 deleting because I was upset with Linda.

12:48 4 Q. And the message, you don't remember the exact  
12:48 5 words that you used?

12:48 6 A. No. It was something to the effect of I -- you  
12:48 7 know, I was distressed because this mistake had been  
12:48 8 made, and I was trying to express to her that it was a  
12:49 9 mistake and was not intentional.

12:49 10 And I thought she was somebody that I  
12:49 11 could speak to privately who would understand and talk  
12:49 12 to me about that. And I was just upset that she had  
12:49 13 shared it.

12:49 14 Q. Was it part of a broader conversation you were  
12:49 15 having about this case?

12:49 16 A. No, no.

12:49 17 Q. Did she send you something to solicit your --

12:49 18 A. I don't --

12:49 19 Q. -- response?

12:49 20 A. I don't remember if she did or not. I don't.

12:49 21 Q. Uh-huh. Then I think one of the last questions  
12:49 22 I have -- this will actually be another exhibit, but  
12:49 23 it's what I'll call physical media.

12:49 24 So you -- your office received a number of  
12:49 25 Public Information Act requests after the -- the

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12:49 1 publication of the case, and you requested an attorney  
12:49 2 general's opinion?

12:49 3 A. Yes, sir.

12:50 4 Q. The exhibit I'm going to show you is that  
12:50 5 request for the attorney general's opinion.

12:50 6 A. Okay.

12:50 7 MR. DONATTI: I believe we have to mark  
12:50 8 this one. We are marking Plaintiff's Exhibit 32. If  
12:50 9 we don't have an extra copy.

12:50 10 MR. NAVARRO: Yeah, I'm --

12:50 11 MR. DONATTI: It's marked as Plaintiff's  
12:50 12 Exhibit 32. You can keep it if you prefer.

12:50 13 MR. NAVARRO: Yeah.

12:50 14 Q. Mr. Ramirez, could I ask you to just read the  
12:51 15 last paragraph of the first page for me?

12:51 16 A. Out loud?

12:51 17 Q. Yes, please.

12:51 18 A. Okay. "Lastly, request for information  
12:51 19 includes a request for communications between the 229th  
12:51 20 District Attorney's Office and the Starr County  
12:51 21 Sheriff's Office and communications within the district  
12:51 22 attorney's office. In regards to the matter involving  
12:51 23 Lizelle Herrera, all communications requested for are  
12:51 24 subject to attorney-client privilege and work product.

12:51 25 "Moreover, some of these same

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12:51 1 communications involve the request for grand jury  
12:51 2 subpoenas to the district attorney's office as agents  
12:51 3 of the grand jury and include medical and personal  
12:51 4 information of Lizelle Herrera that is not subject to  
12:51 5 public disclosure for reasons previously stated."

12:51 6 Q. I'm hearing a few different categories of  
12:51 7 documents that you're identifying there. One is  
12:51 8 communications between the district attorney's office  
12:51 9 and the sheriff's office; is that correct?

12:52 10 A. This -- yes. But just to be clear, this was  
12:52 11 written by Abel Villarreal.

12:52 12 Q. Okay. Did you review it before he --

12:52 13 A. I'm sure I did.

12:52 14 Q. -- submitted it?

12:52 15 A. I'm sure I did.

12:52 16 MR. NAVARRO: Did you review it before  
12:52 17 testifying today or review it before something else?

12:52 18 Q. Before it was shared with the attorney  
12:52 19 general's office for an opinion?

12:52 20 A. Yes, sir.

12:52 21 MR. NAVARRO: Okay.

12:52 22 Q. And does that paragraph accurately convey the  
12:52 23 information that you -- or does that -- that paragraph  
12:52 24 accurately characterize the documents about which you  
12:52 25 are requesting the attorney general's opinion?

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12:59 1 we had at the time was the investigative file and the  
13:00 2 medical records, including the grand jury subpoenas.  
13:00 3 So that was -- that was what was sent to the AG's  
13:00 4 office, and I believe all of that has been sent to you.

13:00 5 Q. And do you still have that USB file?

13:00 6 A. I don't know if we have the USB file. I know  
13:00 7 we still have the file.

13:00 8 Q. And so your testimony is that that file is  
13:00 9 simply the investigative file that doesn't include the  
13:00 10 communications between your office and the district  
13:00 11 attorney's office or your office and the sheriff's  
13:00 12 office?

13:00 13 A. Right. At the time that we asked for this  
13:00 14 attorney general's opinion, we had not gotten into  
13:00 15 searching for text messages or e-mails or anything of  
13:00 16 that sort. We just knew what we had in our possession,  
13:00 17 which was the investigative file and the medical  
13:00 18 records, including the grand jury subpoena that the  
13:00 19 medical records were produced under.

13:00 20 That's all we had, as far as I know.  
13:00 21 That's what I saw in the physical file, so that's what  
13:01 22 was sent to the AG's office.

13:01 23 Q. Did you personally review the files that would  
13:01 24 have been on the USB disc that you provided to the  
13:01 25 attorney general's office?

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13:01 1 A. No. I picked up the file on April the 9th in  
13:01 2 the morning from the DA's office. I had never seen the  
13:01 3 file before. So I picked it up. I reviewed it.

13:01 4 I believe there was a USB there in the  
13:01 5 file, but I didn't look at the USB, because my  
13:01 6 understanding was whatever was on the USB was in the  
13:01 7 physical file. I reviewed the physical file, the  
13:01 8 paper.

13:01 9 Q. And is it your understanding that you produced  
13:01 10 a USB file that was contained within the prosecutor's  
13:01 11 office file to the attorney general?

13:01 12 A. No, I don't know if -- no. I'm assuming that  
13:01 13 we didn't send a physical file to the AG's office. I'm  
13:01 14 assuming that everything was put onto a USB and sent to  
13:02 15 the AG's office.

13:02 16 Q. But you don't know whether that's the case?

13:02 17 A. No, I don't, because I didn't -- I didn't  
13:02 18 handle that part of this. That was handled by  
13:02 19 Mr. Villarreal.

13:02 20 Q. Okay. I think we can move on.

13:02 21 Okay. So we've talked a little bit about  
13:02 22 your office's policies and practices, and that will  
13:02 23 save us some time. And we talked a little bit about  
13:02 24 the trust you have for your assistants and the -- the  
13:02 25 expectation is they're competent.

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13:02 1                   What other expectations do you have of  
13:02 2                   your assistants?

13:02 3                   A.   That they're going to work hard.

13:02 4                   Q.   That they're going to work hard.   What about  
13:03 5                   that they're going to be ethical?

13:03 6                   A.   Oh, yes, of course.

13:03 7                   Q.   What about that they are going to keep updated  
13:03 8                   on the law?

13:03 9                   A.   Yes.

13:03 10                  Q.   They're going to do legal research?

13:03 11                A.   When necessary.

13:03 12                Q.   When would it not be necessary to do legal  
13:03 13                research?

13:03 14                A.   You don't have to do a lot of research, legal  
13:03 15                research when you have a possession of marijuana case  
13:03 16                or a possession of cocaine case.   You don't need to do  
13:03 17                much research on those.

13:03 18                               There are cases that are quite simple in  
13:03 19                nature, even if they are felonies, that you don't  
13:03 20                really need to do a lot of research on.

13:03 21                Q.   Does the law change?

13:03 22                A.   Sometimes it does.   You know, if marijuana were  
13:03 23                legalized in Texas, we'd all know.   We wouldn't have to  
13:03 24                do much legal research on that.

13:03 25                Q.   And the Farm Bill of 2018 changed quite a lot.

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13:03 1 A. The Farm Bill of 2018?

13:03 2 Q. About our understanding of marijuana  
13:03 3 legalization, for example.

13:03 4 A. Oh, the THC you're talking about?

13:03 5 Q. Yes.

13:03 6 A. Okay.

13:04 7 Q. Other criminal laws change.

13:04 8 A. Actually, that's -- that's not a criminal law.

13:04 9 Q. But you agree with my fundamental point that  
13:04 10 the Texas legislature meets in session --

13:04 11 A. Yes.

13:04 12 Q. -- and they occasionally will pass laws that  
13:04 13 are relevant to your responsibilities as district  
13:04 14 attorneys?

13:04 15 A. That's correct.

13:04 16 Q. Do you have access to the Penal Code as a  
13:04 17 district attorney?

13:04 18 A. We do.

13:04 19 Q. And your ADAs have access to the Penal Code?

13:04 20 A. They do.

13:04 21 Q. What resources do you consult when you're  
13:04 22 researching the law?

13:04 23 A. We use LexisNexis and then, of course, the  
13:04 24 books that we have, the Penal Code and the Code of  
13:04 25 Criminal Procedure, the evidence handbook and code.

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13:04 1 Those are all annotated. And we can, of course,  
13:04 2 research on the computer and see if those are -- if the  
13:04 3 law has changed on certain things.

13:04 4 Q. Do you use O'Connor's Texas guides?

13:04 5 A. We do.

13:04 6 Q. Texas District and County Association updates?

13:05 7 A. Yes, sir.

13:05 8 Q. As a prosecutor, you're expected to know the  
13:05 9 elements of a crime that you are charging?

13:05 10 A. You're expected to -- yes, you're expected to  
13:05 11 know the elements of a crime you're charging.

13:05 12 Q. Do you follow the legislative session?

13:05 13 A. I don't.

13:05 14 Q. Who does?

13:05 15 A. We get briefed on it at different seminars, BPU  
13:05 16 seminars and seminars like that. They -- they give us  
13:05 17 updates on the legislative sessions and the -- the new  
13:05 18 laws that are being proposed or passed.

13:05 19 Q. Is there a comprehensive guide to everything  
13:05 20 that happens in the legislature session related to  
13:05 21 criminal justice in the state of Texas?

13:05 22 A. I don't know if there is a comprehensive guide.  
13:05 23 There may be. I -- if there is, I don't know what it's  
13:05 24 called.

13:05 25 Q. So what happens if a law changes and a member

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13:06 1 of your team isn't aware of that change in the law?

13:06 2 A. I don't know. I mean, that's a very vague  
13:06 3 question. I don't know what would happen. What do you  
13:06 4 mean?

13:06 5 Q. So there's a change in a statutory element.

13:06 6 A. Okay.

13:06 7 Q. For example, human smuggling, the mandatory  
13:06 8 minimum penalty was increased in, I believe, 2023 --

13:06 9 A. Yes.

13:06 10 Q. -- to ten years.

13:06 11 A. Yes.

13:06 12 Q. One of the things that we mentioned when  
13:06 13 determining what was a serious charge or not was the  
13:06 14 length of the possible sentence.

13:06 15 A. Yes, sir.

13:06 16 Q. Would your staff be expected to keep up with  
13:06 17 those changes?

13:06 18 A. Yes. We know -- we know about that change. We  
13:06 19 all know about that change.

13:06 20 Q. And so --

13:06 21 A. That was a very significant change.

13:06 22 Q. Absolutely. And in an example where they  
13:06 23 missed it and they -- they charged a crime carrying a  
13:06 24 possible mandatory minimum sentence of ten years, not  
13:06 25 knowing that that was possible, would you characterize

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13:06 1 that as a small mistake?

13:07 2 A. Well, no, because you don't charge the penalty.  
13:07 3 You charge the crime. So the example that you're  
13:07 4 giving me quite honestly doesn't make sense. Because  
13:07 5 you charge human smuggling. Okay? The penalty is what  
13:07 6 changes. So the charge is the same. The penalty  
13:07 7 changes.

13:07 8 Now, I expect the ADAs to know that the  
13:07 9 penalty has changed, because it affects the  
13:07 10 negotiations going forward on the charge. But the  
13:07 11 charge itself remains the same.

13:07 12 Q. Is the ultimate penalty important to the  
13:07 13 decision whether to charge?

13:07 14 A. No.

13:07 15 Q. Why not?

13:07 16 A. Because it's a violation of a criminal statute.  
13:07 17 You charge regardless of what the penalty is.

13:07 18 Q. So you testified earlier that you don't have  
13:08 19 sort of disciplinary procedures in place; is that  
13:08 20 correct?

13:08 21 A. Disciplinary procedures in writing? No, we  
13:08 22 don't.

13:08 23 Q. What about remedial procedures in place?

13:08 24 A. What do you mean by "remedial procedures"?

13:08 25 Q. Someone has made a mistake. How do you fix it?

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13:08 1 A. We go back and fix it the best we can.

13:08 2 Q. Has this ever happened before?

13:08 3 A. That we've had to go back and fix it? Yes, of  
13:08 4 course. We've had to amend indictments. We've had to  
13:08 5 do things like that before. Yes, definitely.

13:08 6 Q. And whose responsibility is that?

13:08 7 A. Well, whoever catches it, normally. But the  
13:08 8 attorney in charge, whoever is handling that case  
13:08 9 will -- will fix it.

13:08 10 Sometimes we have to change the name of  
13:08 11 the defendant because the name is not properly on the  
13:08 12 indictment. There may be a different name, so we'll  
13:08 13 add an a/k/a. There's different things that are  
13:09 14 changed as a case goes through the system sometimes.

13:09 15 Q. Has a member of your team ever violated an  
13:09 16 ethical responsibility?

13:09 17 A. Not that I know of.

13:09 18 Q. Has a member of your team ever committed a  
13:09 19 crime?

13:09 20 A. Well, no, let's -- let's go back, because  
13:09 21 Bernice Garza definitely violated an ethical  
13:09 22 responsibility. Bernice Garza actually committed a  
13:09 23 very serious federal crime, and she was a member of my  
13:09 24 team.

13:09 25 Q. And so what happened with Ms. Garza after she

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13:09 1 allegedly committed a federal crime?

13:09 2 A. Well, with -- I was part of that investigation.  
13:09 3 We investigated that together with the federal team and  
13:09 4 Texas Rangers, and ultimately, she was arrested. And I  
13:09 5 was there when she was arrested.

13:09 6 My investigators also participated in that  
13:09 7 investigation. And she's now facing -- she's pled  
13:09 8 guilty to human smuggling and is facing a federal  
13:10 9 sentence. I believe she's going to be sentenced next  
13:10 10 month.

13:10 11 Q. And what were the -- what were the job  
13:10 12 repercussions that --

13:10 13 A. She was fired. She was arrested and fired.

13:10 14 Q. Was that a hard decision for you?

13:10 15 A. No.

13:10 16 Q. So let's scale that back.

13:10 17 A. Okay.

13:10 18 Q. Someone doesn't commit a crime but someone  
13:10 19 violates an ethical responsibility incumbent on  
13:10 20 attorneys.

13:10 21 A. Okay.

13:10 22 Q. Say they failed to disclose evidence and  
13:10 23 violate a Brady obligation.

13:10 24 A. Okay.

13:10 25 Q. In addition to trying to fix it, would there be

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13:10 1 any consequences for that?

13:10 2 A. Yes. If I knew that an attorney intentionally  
13:10 3 violated Brady, then they would be fired.

13:10 4 Q. What about unintentionally?

13:10 5 A. Unintentionally, I'm not sure. It would depend  
13:10 6 on what was left out of the evidence that was produced  
13:10 7 to the defense attorney.

13:10 8 We -- we have a situation in -- in our  
13:11 9 smaller counties where many times we ask for a  
13:11 10 prosecution packet, and we do our best to make sure  
13:11 11 that prosecution packets are complete when they're  
13:11 12 turned in by the investigating agency.

13:11 13 But there have been occasions where once  
13:11 14 we're getting ready for trial, we'll find out that, you  
13:11 15 know, the 911 call has been left out. In the course of  
13:11 16 preparing for trial, we'll find out, "Hey, there was a  
13:11 17 911 call. It's not in the prosecution packet. Hasn't  
13:11 18 been turned over to defense counsel."

13:11 19 What we do is we immediately contact the  
13:11 20 investigating agency and say, "Hey, one of the reports  
13:11 21 says there was a 911 call. We don't have it in the  
13:11 22 file you turned in." And then their task is to get it  
13:11 23 as quickly as possible so we can turn it over to  
13:11 24 defense counsel.

13:11 25 Now, that's not a mistake that's made by

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13:11 1 the ADA normally. That's a mistake that's made by the  
13:12 2 investigating agency.

13:12 3 Q. What is a prosecution packet?

13:12 4 A. A prosecution packet is a packet that is turned  
13:12 5 over to us by an investigating agency when they're  
13:12 6 investigating a possible crime that's been committed.

13:12 7 Before I took office, the policy was not  
13:12 8 enforced -- the policy of having a complete prosecution  
13:12 9 packet was not being enforced as vigorously as I  
13:12 10 thought it should. So now we have a checklist. And  
13:12 11 whenever -- and we have one person who's in charge of  
13:12 12 accepting prosecution packets now instead of just  
13:12 13 having the investigating agency come in and will  
13:12 14 immediately give it to whoever is at the window.

13:12 15 We have one person that accepts the  
13:12 16 prosecution packets. She is supposed to go through  
13:12 17 that prosecution packet, go through a checklist, make  
13:13 18 sure body cam is in there, dash cam is in there, 911  
13:13 19 call is in there, all the reports are in there. And if  
13:13 20 the prosecution packet is not complete, the  
13:13 21 instructions are don't accept it and have them come  
13:13 22 back with a complete prosecution packet.

13:13 23 Q. And that's a decision made by this one person  
13:13 24 whose job it is?

13:13 25 A. It's not -- no, it's not a decision made by the

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13:13 1 one person. It's -- it's kind of like she's a  
13:13 2 gatekeeper for that. Now, sometimes things do -- you  
13:13 3 know, the agency will tell us that's all we have, and  
13:13 4 later on as we're preparing for trial, we'll find out  
13:13 5 that, hey, there's some things missing here.

13:13 6 911 call is a very good example of  
13:13 7 sometimes things that get left out. A body cam, we'll  
13:13 8 see a report where a body cam is referenced, or we'll  
13:13 9 see an officer at the scene with a body cam, and we  
13:14 10 look at the file, and the body cam is not in there.  
13:14 11 So, you know, we'll ask for that body cam.

13:14 12 Q. And who's in charge of catching those mistakes  
13:14 13 if they're responsible --

13:14 14 A. Well, I mean, the -- at the very -- the  
13:14 15 gatekeeper is a young lady downstairs that works with  
13:14 16 the investigators by the name of Alma Villarreal. She  
13:14 17 does the checklist for us, accepts the packets.

13:14 18 But even having a gatekeeper,  
13:14 19 unfortunately, sometimes when we're getting ready for  
13:14 20 trial, we will find that certain things are missing.  
13:14 21 And so then the ADA who's handling that file will reach  
13:14 22 out to the agency and try and get those -- those  
13:14 23 things.

13:14 24 Q. So it's the ADA's responsibility to identify  
13:14 25 those?

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13:14 1 A. It's everybody -- it's everybody's  
13:14 2 responsibility going forward if you have connection to  
13:14 3 the file. You know, I mean, we try and -- we're not  
13:14 4 going to just put it on one person.

13:14 5 But, you know, ultimately, the ones who  
13:15 6 really read the reports and can identify that things  
13:15 7 may be missing would be the ADAs, because -- you know,  
13:15 8 I'll give you an example.

13:15 9 If you have a -- a body cam of a crime  
13:15 10 scene and you see three officers there -- one from DPS,  
13:15 11 a border patrol officer, and a sheriff's department  
13:15 12 officer -- and you only have one report and that's from  
13:15 13 the sheriff's department officer, then I think the  
13:15 14 ADAs -- what they do at that point is they reach out to  
13:15 15 the investigator in charge and say, "Hey, did border  
13:15 16 patrol produce a report? Did border patrol make a  
13:15 17 report? They were there. Did DPS make a report,  
13:15 18 because we saw a DPS officer at the scene. Is there a  
13:15 19 dash cam that DPS may have had that's not in the file."

13:16 20 And so that's the way that the ADAs will  
13:16 21 usually try and make sure that we have everything in  
13:16 22 the file.

13:16 23 Q. Is it your responsibility as well?

13:16 24 A. If I -- if I were handling the case, it would  
13:16 25 be my responsibility.

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13:16 1 Q. What do you mean "handling the case"?

13:16 2 A. If I was actually going to prosecute the case  
13:16 3 myself. I mean, if I don't see the file, it's -- it's  
13:16 4 impossible for me to do that.

13:16 5 Q. Is it your responsibility if someone else will  
13:16 6 be presenting it to a jury?

13:16 7 A. Is what my --

13:16 8 Q. Does it remain --

13:16 9 A. -- responsibility?

13:16 10 Q. Does it remain your responsibility to identify  
13:16 11 mistakes even if someone else is the one presenting it  
13:16 12 to a jury?

13:16 13 A. Well, I'm not sure I understand your question.  
13:16 14 Honestly, I mean, obviously, the buck stops with me on  
13:16 15 everything because I'm the district attorney. So  
13:16 16 whatever mistakes are made, if there are mistakes that  
13:16 17 are made in the presentation of a case or the trial of  
13:16 18 a case, ultimately, I feel like the buck should stop  
13:16 19 with me. I've always taken that attitude.

13:17 20 But as far as me actually knowing what's  
13:17 21 in the file if I don't handle the file itself, that  
13:17 22 would be impossible.

13:17 23 Q. Is this true pre-indictment as well, the buck  
13:17 24 stops with you?

13:17 25 A. Yes, that also is true pre-indictment.

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13:17 1 Q. So I'd like to now talk about your  
13:17 2 collaboration with the sheriff's office.

13:17 3 A. Okay.

13:17 4 (Discussion)

13:17 5 Q. What is your relationship with Sheriff Fuentes?

13:17 6 A. We have a good working relationship, and he's a  
13:17 7 friend.

13:17 8 Q. Did you know him before assuming the district  
13:17 9 attorney's position?

13:17 10 A. Oh, yes. Yes, sir.

13:17 11 Q. How long have you known him?

13:17 12 A. I've known him for as long as I've -- I don't  
13:17 13 know exactly how long. I knew before he was sheriff.

13:17 14 Q. When did he become sheriff?

13:17 15 A. I don't know.

13:17 16 Q. He was sheriff before you were district  
13:17 17 attorney?

13:17 18 A. Oh, yes, long before I was district attorney.

13:18 19 Q. How does your office collaborate with the  
13:18 20 sheriff's office?

13:18 21 A. We work very well together.

13:18 22 Q. Uh-huh. What does the term "staff with DAs"  
13:18 23 mean?

13:18 24 A. "Staff with DAs"? It can mean basically  
13:18 25 that's -- if you're asking me what a sheriff's office

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13:18 1 term means, I wouldn't be able to tell you.

13:18 2 I know what the term "staff with the DA's  
13:18 3 office" means, but I don't know what it would mean to  
13:18 4 the sheriff's department.

13:18 5 Q. Okay. Let's see. Before, we were talking a  
13:18 6 little bit about subpoenas.

13:18 7 A. Okay.

13:18 8 Q. And you said in general you will defer to the  
13:18 9 sheriff's office about their investigatory request?

13:18 10 A. To any agency.

13:18 11 Q. To any agency about their request. When will  
13:18 12 you get back to them and say, "Hey, we need something  
13:18 13 else. We need more information about why the subpoena  
13:18 14 is important"?

13:18 15 A. I've never -- I've never had the occasion to do  
13:18 16 that.

13:18 17 Q. So you've never turned away a subpoena request?

13:19 18 A. I haven't, but I've never -- nobody has ever  
13:19 19 requested subpoenas from me personally.

13:19 20 Q. Has your team ever turned away a subpoena  
13:19 21 request?

13:19 22 A. I -- I don't know. You'd have to ask them.

13:19 23 Q. Does the DA have any policies or practices for  
13:19 24 working with the sheriff's office?

13:19 25 A. No.

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13:26 1 A. No, sir.

13:26 2 Q. -- to the sheriff's office?

13:26 3 Have you ever given insight to your team  
13:26 4 about a legal question related to a sheriff's office  
13:26 5 investigation?

13:26 6 A. Not that I remember.

13:26 7 Q. Okay. And, lastly, how do you work with the  
13:26 8 Starr County Memorial Hospital?

13:26 9 A. I don't work with them at all.

13:26 10 Q. How does your office work with the Starr County  
13:26 11 Memorial Hospital?

13:26 12 A. As far as I know, we don't work with them at  
13:26 13 all.

13:26 14 Q. Have you ever provided guidance to hospital  
13:26 15 employees about when to report certain conduct?

13:26 16 A. If we don't work with them at all, that would  
13:26 17 make that question moot. No.

13:26 18 Q. Okay. Have you ever attended meetings at the  
13:26 19 hospital?

13:26 20 A. I attended a meeting about a month ago where  
13:26 21 there were -- a group of SANE nurses were giving a  
13:26 22 presentation on their availability to do SANE exams in  
13:27 23 Starr County instead of having to do them outside of  
13:27 24 Starr County.

13:27 25 A SANE exam is a sexual assault exam. And

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13:27 1 so I attended that presentation, and that presentation  
13:27 2 was at the hospital.

13:27 3 Q. Have you attended other presentations at the  
13:27 4 hospital?

13:27 5 A. No, sir.

13:27 6 Q. Have you given other presentations at the  
13:27 7 hospital?

13:27 8 A. I've never given a presentation at a hospital.

13:27 9 Q. Has anyone on your team given a presentation at  
13:27 10 the hospital?

13:27 11 A. I -- no. The presentation was given by the  
13:27 12 SANE nurses. That's the only one that I can think of  
13:27 13 in the last five years.

13:27 14 Q. Have you provided written guidance to any  
13:27 15 hospital or hospital staff?

13:27 16 A. No, sir.

13:27 17 Q. Have you posted on the Internet any guidance  
13:27 18 for hospital employees and staff?

13:27 19 A. No, sir.

13:27 20 Q. Was Ms. Gonzalez's case discussed at the  
13:27 21 meeting at the hospital you just referred to?

13:27 22 A. No. No, no. This was -- this was a  
13:28 23 presentation about SANE exams. SANE exams involve  
13:28 24 sexual assaults of children. So no, her case was  
13:28 25 not -- this was a presentation to a large group of

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13:28 1 people, not just hospital personnel.

13:28 2 Q. Uh-huh. Who was at this presentation?

13:28 3 A. I don't know. It was like 40 people.

13:28 4 Q. Anyone else from your office at this?

13:28 5 A. Yes. Alex was there, Abel was there, I was  
13:28 6 there, I think an investigator was there. We're all  
13:28 7 interested in SANE exams because of the number of  
13:28 8 sexual assaults of children that we have.

13:28 9 And this was a group that was starting to  
13:28 10 work -- or has started to work in Starr County  
13:28 11 providing 24-7 access to sexual assault examinations of  
13:28 12 children or of adults if they're sexually assaulted.

13:28 13 Q. I understand that you're saying the  
13:29 14 presentation was not about Ms. Gonzalez's case. Did  
13:29 15 anybody discuss Ms. Gonzalez's case --

13:29 16 A. Not that I know of.

13:29 17 Q. -- at the hospital?

13:29 18 A. This was just a few weeks ago.

13:29 19 Q. And then maybe stepping back, I just wanted to  
13:29 20 tie one loop. Have you ever instructed a member of  
13:29 21 your team to present a case to a grand jury?

13:29 22 A. Instructed them? No, I don't think so. I've  
13:29 23 suggested -- usually I just suggest that they pull out  
13:29 24 cases and present them to grand juries. And sometimes  
13:29 25 I am advised which cases they're going to present. And

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13:29 1 most of the time I don't know which cases they're going  
13:29 2 to present.

13:29 3 Q. What is the difference between instructing and  
13:29 4 suggesting?

13:29 5 A. Well, the one that I can think of where I asked  
13:29 6 Mr. Villarreal to present it was a death in custody  
13:30 7 case. And I think he presented that death in custody  
13:30 8 case along with the Texas Rangers because he had done  
13:30 9 that before. He had presented a death in custody case.

13:30 10 So I suggested that he go ahead and  
13:30 11 present that to the grand jury, and he did.

13:30 12 Q. Have you ever suggested that someone present a  
13:30 13 case to the grand jury and they didn't do it?

13:30 14 A. No, because I really haven't made that many  
13:30 15 suggestions. Not that I know of, no, sir.

13:30 16 Q. If you suggest to your team they do something,  
13:30 17 do they do it?

13:30 18 A. Normally they do, yes.

13:30 19 Q. And what if they don't?

13:30 20 A. I haven't had -- I haven't had that occasion  
13:30 21 yet. I mean, that would be alarming, but that hasn't  
13:30 22 happened yet.

13:30 23 Q. Did you suggest to Ms. Barrera that she present  
13:30 24 Lizelle Gonzalez's case to a grand jury?

13:30 25 A. Well, it wasn't a suggestion. Alex told me

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13:31 1 that -- basically asked me if she could present the  
13:31 2 case to the grand jury, and I said, "Yeah, you can  
13:31 3 present it to the grand jury."

13:31 4 Q. So your testimony is that you approved the  
13:31 5 request to present the case to the grand jury?

13:31 6 A. Well, I knew she was going to present.

13:31 7 Q. And if you had said no, what would have  
13:31 8 happened?

13:31 9 A. She probably wouldn't have presented it.

13:31 10 Q. So -- let me take a moment.

13:31 11 A. Okay.

13:31 12 Q. When you propose a case is submitted to a grand  
13:31 13 jury, is that often in lieu of arrest?

13:31 14 A. No, no. I mean, sometimes it's in lieu of  
13:31 15 arrest, but most cases that are presented to the grand  
13:32 16 jury an arrest has already been made.

13:32 17 Q. Would you instruct your team not to issue an  
13:32 18 arrest warrant?

13:32 19 A. I don't -- I don't really instruct my team on  
13:32 20 what to do. They're pretty capable and seasoned  
13:32 21 attorneys. So the question -- what is the question  
13:32 22 again now?

13:32 23 Q. Would you suggest to your team that they not  
13:32 24 issue an arrest warrant?

13:32 25 A. Would I suggest to -- on what case?

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13:32 1 Q. Have you ever done it before?

13:32 2 A. No. I think we've made decisions together that  
13:32 3 a case should be presented prior to an arrest, and I  
13:32 4 think many times that's because we're still trying to  
13:33 5 find the person and we want it indicted but we want it  
13:33 6 sealed.

13:33 7 So I don't think I've ever instructed an  
13:33 8 ADA to do that, but I think we've reached decisions  
13:33 9 collaboratively to do that sometimes.

13:33 10 Q. What do those conversations look like?

13:33 11 A. That's -- I don't understand the question, what  
13:33 12 the conversations look like.

13:33 13 Q. So you said, "We have decided collaboratively  
13:33 14 on next steps."

13:33 15 A. Yeah. Well, let's say a person we've --  
13:33 16 we've -- let's say we have a case where there have been  
13:33 17 multiple seizures of drugs from a person but we don't  
13:33 18 know where the person is and they haven't been able to  
13:33 19 arrest the person. Well, then we will suggest, "Hey,  
13:33 20 it's time to go ahead and indict the person."

13:34 21 The person gets indicted. And  
13:34 22 collaboratively, we know that the indictment should be  
13:34 23 sealed until the person is arrested.

13:34 24 Q. And just for my own sake, who is the "we" that  
13:34 25 you're talking about here?

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13:34 1 A. The ADA --

13:34 2 Q. ADA?

13:34 3 A. -- that's presenting the case, yes.

13:34 4 Q. You and the ADA?

13:34 5 A. Yes. Or the ADA on their own. They know to do  
13:34 6 that.

13:34 7 MR. DONATTI: I think now is a good time  
13:34 8 for a break.

13:34 9 THE WITNESS: Okay.

13:34 10 (Brief recess)

13:45 11 Q. Mr. Ramirez, did you talk with your attorney  
13:45 12 over our five-minute break?

13:45 13 A. I did.

13:45 14 Q. Great. So just going back to some of what we  
13:45 15 discussed earlier. The first meeting at the hospital  
13:45 16 two months ago, is it your testimony that you,  
13:45 17 Mr. Villarreal, and Ms. Barrera did not discuss this  
13:45 18 case?

13:45 19 A. That's the truth. That's my testimony.

13:45 20 Q. And we discussed previously that you had  
13:45 21 deleted at least one message or series of messages  
13:45 22 related to this case?

13:45 23 A. Yes, sir.

13:45 24 Q. Are there any other communications that you  
13:45 25 deleted related to this case?

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13:45 1 A. Not that I remember. I may have deleted some  
13:46 2 requests from media, but I don't think I did. I think  
13:46 3 those were still in there.

13:46 4 Q. Other than requests from media, are there any  
13:46 5 messages that you deleted?

13:46 6 A. No, sir.

13:46 7 Q. Are there any messages that you might have  
13:46 8 deleted?

13:46 9 A. Not that I know of.

13:46 10 Q. So now let's talk about the investigation of  
13:46 11 Ms. Gonzalez. When did your office become aware of the  
13:46 12 investigation?

13:46 13 A. I don't know. I don't know. I think it was  
13:46 14 probably early on in the investigation, but I'm not --  
13:46 15 I couldn't give you a date.

13:46 16 Q. When did your office become involved in the  
13:46 17 investigation?

13:46 18 A. I don't know.

13:46 19 Q. Were you working on January 11th, 2022?

13:46 20 A. I don't know. I had COVID the first couple of  
13:46 21 weeks of 2022. I think on the 11th I was still at  
13:47 22 home. But that was right around the time that I -- I  
13:47 23 think I was still at home. I think I still had COVID.

13:47 24 Q. When you were at home, were you not working?

13:47 25 A. I wasn't doing much work. I -- I got hit

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13:47 1 pretty hard with COVID.

13:47 2 Q. And is it your testimony that you might have  
13:47 3 had COVID or --

13:47 4 A. No. I had COVID.

13:47 5 Q. And is it your testimony that you were out with  
13:47 6 COVID on --

13:47 7 A. Yes.

13:47 8 Q. -- on January 11th?

13:47 9 A. Well, I don't know about the 11th. I know that  
13:47 10 I contracted COVID when I was out during the holidays.  
13:47 11 And so the 11th, I wouldn't be able to tell you whether  
13:47 12 I had already just recovered or whether I was still  
13:47 13 out, but I think I was still out with COVID on the  
13:47 14 11th.

13:47 15 Q. Uh-huh. Who at the district attorney's office  
13:47 16 worked on Ms. Gonzalez's case on January 11, 2022?

13:47 17 A. I don't know that anybody worked on the case on  
13:48 18 January 11th of 2022.

13:48 19 Q. Was Ms. Barrera involved in the investigation  
13:48 20 of Ms. Gonzalez on January 11th, 2022?

13:48 21 A. I don't know.

13:48 22 Q. Was Mr. Villarreal involved in the  
13:48 23 investigation on January 11th, 2022?

13:48 24 A. I don't know.

13:48 25 Q. Other than Mr. Villarreal and Ms. Barrera, was

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13:48 1 anyone at the district attorney's office working on  
13:48 2 Ms. Gonzalez's case on January 11th, 2022?

13:48 3 A. I don't know. But if your question is whether  
13:48 4 they were involved in the investigation, to the best of  
13:48 5 my knowledge, none of the staff or ADAs were involved  
13:48 6 in the investigation.

13:48 7 Now, whether or not they were aware of the  
13:48 8 case, I can't tell you about whether or not they were  
13:48 9 aware of the case on that date. But if your question  
13:48 10 is whether they were involved in the investigation, the  
13:48 11 answer is no, they were not involved in the  
13:48 12 investigation.

13:48 13 Q. So they were not fielding questions from law  
13:49 14 enforcement?

13:49 15 A. If they -- I don't know if they fielded legal  
13:49 16 questions, but they certainly were not involved in the  
13:49 17 investigation.

13:49 18 Q. Did they field investigatory questions from the  
13:49 19 sheriff's office?

13:49 20 A. I don't -- I don't think so. It would -- I  
13:49 21 don't think they did.

13:49 22 Q. Did they tell the sheriff's office what steps  
13:49 23 to take in the investigation?

13:49 24 A. Not to my knowledge.

13:49 25 Q. And is it your testimony that you do not know

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13:49 1 or that they in fact did not?

13:49 2 A. It's my testimony that I do not know about  
13:49 3 anything that happened on January 11th of 2022.

13:49 4 Q. What about a broader date range, so early  
13:49 5 January, or let's say all of January 2022?

13:49 6 A. Okay.

13:49 7 Q. What support did assistant district attorneys  
13:49 8 give to the sheriff's office related to the  
13:49 9 investigation of Ms. Gonzalez?

13:49 10 A. I don't know.

13:49 11 Q. Did they provide any support to the sheriff's  
13:49 12 office in the investigation of Ms. Gonzalez?

13:49 13 A. I don't know.

13:49 14 Q. And did you forget or did you never know?

13:50 15 A. No, I don't know. I don't know now.

13:50 16 Q. Did you know before?

13:50 17 A. No, no. I don't know. I don't know, period.

13:50 18 Q. What sources would you consult to find out?

13:50 19 A. I would -- if I were to try and find out, I  
13:50 20 would ask Ms. Barrera or I would ask Mr. Villarreal or  
13:50 21 I would ask Ms. Solis or ask Mr. Garcia.

13:50 22 Q. Did you ever ask them?

13:50 23 A. No.

13:50 24 Q. Why not?

13:50 25 A. I had no reason to ask them.

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13:50 1 Q. Who at the sheriff's office was working on the  
13:50 2 investigation of Ms. Gonzalez?

13:50 3 A. I know now from reading the file that there was  
13:50 4 an Investigator Aguirre that was involved. And then  
13:50 5 there was a female investigator, and I don't remember  
13:50 6 her last name. Her first name is Esmer.

13:51 7 Q. Who else?

13:51 8 A. I think it's Muniz.

13:51 9 Q. Anyone other than Mr. Aguirre and Ms. Muniz?

13:51 10 A. Not -- not that I know of.

13:51 11 Q. Who at the sheriff's office first established  
13:51 12 contact with the district attorney's office?

13:51 13 A. I don't know.

13:51 14 Q. I'd like to show you what has previously been  
13:51 15 introduced as Exhibit 16.

13:51 16 (Discussion.)

13:52 17 Q. I'm trying to deduce the cryptography of the  
13:52 18 way the messages are arranged before I show them to  
13:52 19 you.

13:52 20 A. That's fine. We'll -- we'll get through it.

13:52 21 Q. I suspect that this is something you can hang  
13:52 22 onto for a little bit.

13:52 23 A. Yes, sir.

13:52 24 (Discussion.)

13:52 25 Q. Okay. And you really have to forgive our

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14:00 1 A. Yes.

14:00 2 Q. Just to refresh, Ms. Muniz had texted at  
14:00 3 7:47 -- or 7:16 p.m., "Alex I came to take pictures of  
14:00 4 the ashes because it's been cremated. Do I allow the  
14:00 5 funeral home to give the mom the ashes?"

14:00 6 Ms. Barrera says, "That's fine. We have a  
14:00 7 death certificate, I'm assuming. Take pictures of the  
14:00 8 ashes."

14:00 9 A. Okay.

14:00 10 Q. Is Alex providing legal advice there?

14:00 11 A. I don't know. I don't know if that would be  
14:00 12 something that would play into the legal aspect of the  
14:00 13 case.

14:00 14 Q. How could it play in the legal --

14:01 15 A. I don't know. That's what I'm saying.

14:01 16 Q. Okay. Ms. Muniz responds, "Okay. Thank you."

14:01 17 And then the next day, January 12th,  
14:01 18 Ms. Muniz says, "Good morning. Dr. Lozano is supposed  
14:01 19 to be coming in around noon for an interview and told  
14:01 20 the captain he was going to bring the entire file  
14:01 21 history on patient/suspect. If he voluntarily wants to  
14:01 22 give me copies, do I get them? I don't know if you  
14:01 23 want to be here for the interview."

14:01 24 A. Okay.

14:01 25 Q. What is Ms. Muniz asking?

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14:01 1 A. Whether or not Alex wants to be there for the  
14:01 2 interview with Dr. Lozano, basically.

14:01 3 Q. Is it -- has it ever happened in your  
14:01 4 experience that a district attorney has been present at  
14:01 5 a witness interview?

14:01 6 A. No. We try and stay away from that.

14:01 7 Q. Okay. What else is Ms. Muniz requesting here?

14:01 8 A. Something about getting copies on the history  
14:01 9 of the patient/suspect. "Voluntarily wants to give me  
14:01 10 copies."

14:02 11 Q. "Do I get them?"

14:02 12 A. Right.

14:02 13 Q. Okay. So if you go to the next page, page 81,  
14:02 14 you have a message from Ms. Barrera to Ms. Muniz  
14:02 15 January, 12th, 2022, at 8:53 a.m. Ms. Barrera says, "I  
14:02 16 mean, you can so we can take a preliminary look, but  
14:02 17 still need to grand jury subpoena them."

14:02 18 A. Okay.

14:02 19 Q. Why do you still need a grand jury subpoena?

14:02 20 A. Well, that's -- that definitely is legal  
14:02 21 advice. In order to have copies that are certified  
14:02 22 copies, then you would need a grand jury subpoena.

14:02 23 So I think what Ms. Barrera is saying  
14:02 24 there is basically giving her legal advice that, I  
14:02 25 mean, if they turn them over to you, I guess you can

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14:02 1 look at them, but in order to get certified copies, you  
14:02 2 would need a grand jury subpoena. So that's her giving  
14:02 3 legal advice to Ms. Muniz.

14:02 4 Q. And that's because of the admissibility of  
14:03 5 evidence?

14:03 6 A. No. That's -- that's just to certify that  
14:03 7 those are complete and correct copies of the medical  
14:03 8 records.

14:03 9 Q. Why is that important?

14:03 10 A. Well, because it would be important in any case  
14:03 11 that you have accurate medical records, full and  
14:03 12 complete and accurate medical records, especially in a  
14:03 13 case like this.

14:03 14 Q. Okay. And if I represent to you that on that  
14:03 15 day, Mr. Villarreal issued the grand jury subpoenas, is  
14:03 16 that consistent with your understanding of the  
14:03 17 timeline?

14:03 18 A. No, I don't know the timeline, quite honestly,  
14:03 19 on the grand jury subpoenas. But if you show me the  
14:03 20 grand jury subpoena, then I can tell you whether it's  
14:03 21 consistent or not.

14:03 22 Q. Do you have a reason to doubt that they were  
14:03 23 issued on the same day?

14:03 24 A. I don't know when they were issued.

14:03 25 Q. Okay. We can go ahead, they've already been

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14:03 1 introduced, I believe Plaintiff's Exhibits 1 and 2.

14:03 2 (Discussion)

14:04 3 Q. Top one is Exhibit 1.

14:04 4 A. Okay.

14:04 5 Q. One of each.

14:04 6 A. Okay.

14:04 7 Q. No. 1 and 2.

14:04 8 MR. NAVARRO: What numbers do they have?

14:04 9 MR. DONATTI: So the Lozano subpoena is

14:04 10 No. 1.

14:04 11 THE WITNESS: Okay.

14:04 12 MR. NAVARRO: Plaintiff's Exhibit.

14:04 13 MR. DONATTI: 1 and 2.

14:04 14 MR. NAVARRO: 1 and 2.

14:04 15 A. All right.

14:04 16 Q. What dates are these?

14:04 17 A. January 12th of 2022.

14:04 18 Q. Okay. And what are they?

14:05 19 A. They -- they are applications for subpoenas.

14:05 20 The first one is an application for a subpoena of the

14:05 21 custodian of the records for Dr. Rodolfo Lozano.

14:05 22 And the second one is an application for

14:05 23 subpoena for the records of -- the custodian of records

14:05 24 of the Starr County Memorial Hospital.

14:05 25 Q. What is the nature of the investigation at this

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14:05 1 point?

14:05 2 A. I don't know.

14:05 3 Q. What charge or crime is listed on these  
14:05 4 subpoenas, if any?

14:05 5 A. Charge of crime? I don't see a charge of crime  
14:05 6 listed, but maybe I'm missing it. I don't see one.  
14:06 7 Let me make sure.

14:06 8 On the first page I don't see a charge of  
14:06 9 crime. Second page, I don't see a charge of crime  
14:06 10 either, on either subpoena. I think it just says  
14:06 11 "investigation," I believe.

14:06 12 Q. Okay. Did Mr. Villarreal tell you that he was  
14:06 13 requesting these subpoenas?

14:06 14 A. No.

14:06 15 Q. Did he tell you after the fact that he had  
14:06 16 requested these subpoenas?

14:06 17 A. No.

14:06 18 Q. Did you speak with anybody in your office about  
14:06 19 the investigation of Ms. Gonzalez at this point?

14:06 20 A. No, sir.

14:06 21 Q. If I represent to you that Ms. Barrera also had  
14:07 22 a phone conversation with members of the sheriff's  
14:07 23 office on that day, were you present for that  
14:07 24 conversation?

14:07 25 A. No, sir.

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14:27 1 the case, so...

14:27 2 Q. Would you be interested in information about a  
14:27 3 dead baby?

14:27 4 A. It depends. It depends on -- on what's going  
14:27 5 on. I mean, I'm the district attorney. I let my ADAs  
14:27 6 handle these cases. If they have questions or they  
14:27 7 want to let me know some information that they feel I  
14:27 8 need to know, then I'm always interested in listening.

14:27 9 But it's not like I'm going to go digging  
14:27 10 around asking specific questions about cases like this.

14:27 11 Q. I'm going to -- to show you what has -- why  
14:28 12 don't we jump ahead.

14:28 13 So you mentioned earlier that you do  
14:28 14 recall discussing the case with Ms. Barrera in February  
14:28 15 of 2022?

14:28 16 A. No. I remember she mentioned -- and I don't --  
14:28 17 I don't even think it was -- I don't know when it was.  
14:28 18 I think at some point before the presentation to the  
14:28 19 grand jury we talked about the case, and I don't know  
14:28 20 exactly when it was.

14:28 21 Q. Okay. When you talked to Ms. Barrera, was  
14:28 22 there already a decision as to what charge --

14:28 23 A. No.

14:28 24 Q. -- to levy?

14:28 25 A. Not that I know of.

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14:28 1 Q. Okay. And who else did you discuss  
14:29 2 Ms. Gonzalez's case with other than Ms. Barrera?

14:29 3 A. Before the indictment?

14:29 4 Q. Yes.

14:29 5 A. Just Ms. Barrera.

14:29 6 Q. Just Ms. Barrera. Did you discuss it in  
14:29 7 person?

14:29 8 A. Yes.

14:29 9 Q. So I'd like to show you what has previously  
14:29 10 been marked Plaintiff's Exhibit 28.

14:29 11 MR. NAVARRO: 28?

14:29 12 MR. DONATTI: 28.

14:29 13 (Discussion)

14:29 14 A. Is it front and back?

14:29 15 Q. This is a front and back.

14:29 16 A. Okay.

14:29 17 Q. There is a page 155.

14:29 18 A. Okay.

14:29 19 Q. And then the copy we received jumps to  
14:29 20 page 167.

14:29 21 A. Okay.

14:29 22 Q. So we're assuming the pages were deleted, but  
14:29 23 we cannot know.

14:29 24 A. Okay.

14:29 25 Q. So the message at the top of page 155, it's a

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14:29 1 message from Alexandria Barrera to you, Mr. Ramirez.

14:30 2 A. Yes.

14:30 3 Q. February 1st, 2022, at 3:00 p.m. Ms. Barrera  
14:30 4 says, "Sir, can you let me know when you have time to  
14:30 5 speak? Abortion case."

14:30 6 A. Yes.

14:30 7 Q. What did you understand that message to -- to  
14:30 8 be about?

14:30 9 A. That she wanted me -- she wanted to talk to me  
14:30 10 about the case involving the baby.

14:30 11 Q. And so you had heard about this case before?

14:30 12 A. Yes. I think I had heard about it before.

14:30 13 Q. Were you surprised when you received this  
14:30 14 message?

14:30 15 A. No. Why would I be surprised?

14:30 16 Q. And you were not surprised because you had  
14:30 17 previously heard about an abortion case?

14:30 18 A. Yeah. I mean, now, I don't know what context  
14:30 19 the word "abortion" was used. I mean, I had heard  
14:30 20 about a dead baby. I don't know when -- if we ever had  
14:30 21 this conversation in February or whether it was later  
14:30 22 on that we actually had the conversation, but I don't  
14:30 23 see an answer from me. But I knew what case she was  
14:31 24 referring to, basically. I had heard about it.

14:31 25 Q. And what -- what had you heard?

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14:31 1 A. What I said earlier about the dead baby.

14:31 2 Q. Is dead baby and abortion synonymous to you?

14:31 3 A. They can be.

14:31 4 Q. And what is the nonoverlap?

14:31 5 A. Excuse me?

14:31 6 Q. So is an abortion always a case about a dead  
14:31 7 baby?

14:31 8 A. No, no. But you can have -- I'm assuming. I  
14:31 9 don't really know. I'm not a doctor. But I think you  
14:31 10 can have an attempted abortion that results in the  
14:31 11 death of a baby after birth. So somebody could term  
14:31 12 that an abortion, a botched abortion, you know.

14:31 13 I mean, she didn't put "botched abortion."  
14:31 14 But I don't know whether it was an abortion. I don't  
14:31 15 know whether it was a baby that was born alive. I  
14:31 16 don't know whether it was baby that was born dead. You  
14:31 17 know, Ms. Barrera was basically directing me to that  
14:31 18 case, but I don't know what she meant by "abortion."

14:32 19 Q. Did your office have any other abortion cases?

14:32 20 A. Not that I know of, no.

14:32 21 Q. Did your office have any other dead baby cases?

14:32 22 A. No, no. I know she was referring to that case.

14:32 23 Q. Okay. And all that you knew about this case,  
14:32 24 your testimony is that you had heard the words "dead  
14:32 25 baby" in your office?

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14:32 1 A. That's what I remember, yes, sir.

14:32 2 Q. You were unfamiliar with any other details  
14:32 3 about this case?

14:32 4 A. Totally unfamiliar.

14:32 5 Q. Okay. So --

14:32 6 A. Except the drug part. I knew that drugs were  
14:32 7 involved.

14:32 8 Q. And you previously described a series of  
14:32 9 circumstances someone fails to terminate a pregnancy.  
14:32 10 So is -- was your reaction to receiving this message  
14:32 11 you didn't have a whole lot of questions?

14:32 12 A. No, I didn't. I would be looking to talk to  
14:32 13 her whenever she had time. I don't know when we  
14:32 14 actually spoke. The message is sent in February, so I  
14:32 15 don't know if we spoke later that week, later that  
14:32 16 month. There's no reply from me.

14:32 17 And, actually, we go on to talk about  
14:33 18 something different completely. So I don't know when  
14:33 19 we had the consideration, but we did have a  
14:33 20 conversation.

14:33 21 Q. So let's put aside concerns about timeline.

14:33 22 A. Okay.

14:33 23 Q. What was the conversation you had?

14:33 24 A. The conversation that I had with her I remember  
14:33 25 is she was letting me know that she was going to

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14:33 1 present this case to a grand jury.

14:33 2 Q. What was "this case"?

14:33 3 A. The case involving the dead baby.

14:33 4 Q. So that's the only information you had?

14:33 5 A. Yes. Because when I remember Ms. Barrera  
14:33 6 coming into my office, she didn't have a file with her.  
14:33 7 She didn't have a file in her hands. She sat down.  
14:33 8 She told me that she was -- she wasn't asking  
14:33 9 permission, but in a way she was just letting me know.

14:33 10 I mean, obviously, if I had said, "Don't  
14:33 11 do it," she wouldn't have done it. She was saying that  
14:33 12 she was going to present this particular case to a  
14:33 13 grand jury on a particular date. And I remember her  
14:33 14 giving me -- and I can't remember what facts she gave  
14:34 15 me. She gave me some facts about the drugs, I believe.

14:34 16 And I remember telling her that I was not  
14:34 17 going to be here that day. I was going to be in a  
14:34 18 grand jury in Jim Hogg County on a cold case.

14:34 19 And I went ahead and told her, "Go ahead  
14:34 20 and present it to a grand jury." And I think I let her  
14:34 21 know that I was not going to be there because I had to  
14:34 22 be in Jim Hogg County in a case that I was very  
14:34 23 interested in because we had -- that case in Jim Hogg  
14:34 24 County had already been presented once to a grand jury  
14:34 25 and passed, and the Ranger involved in that case wanted

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14:34 1 to present it again. So I had been there the first  
14:34 2 time, and I wanted to make sure that I was there the  
14:34 3 second time.

14:34 4 Q. How did Ms. Barrera describe the case?

14:34 5 A. I don't remember how she described it. All I  
14:34 6 remember is that there was a dead baby, there were  
14:34 7 drugs involved, but I don't remember the description of  
14:35 8 the case.

14:35 9 Q. Do you remember any part of the description?

14:35 10 A. No, sir.

14:35 11 Q. What would you do if you wanted to recall what  
14:35 12 she described to you?

14:35 13 A. There's no way, because, I mean, we didn't  
14:35 14 record the conversation. So I would probably have to  
14:35 15 go back and ask her what she told me.

14:35 16 Q. So you'd talk to Ms. Barrera. What else could  
14:35 17 you do?

14:35 18 A. To find out what she told me?

14:35 19 Q. Yes.

14:35 20 A. That would be the only thing is to ask her to  
14:35 21 recall if she can recall what she told me.

14:35 22 Q. Do you intend to refresh your recollection?

14:35 23 MR. NAVARRO: Objection.

14:35 24 You don't have to answer that.

14:35 25 Q. At any point between now and trial will you

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14:35 1 follow up to learn more about this conversation that  
14:35 2 you currently cannot remember?

14:35 3 MR. NAVARRO: Objection.

14:35 4 You don't have to answer that question.

14:35 5 MR. DONATTI: On what basis?

14:35 6 MR. NAVARRO: You're asking him what he's  
14:35 7 going to do in the future. You're here to explore  
14:35 8 facts. So you're saying, "What are you going to do in  
14:35 9 the future?" I'm not going to let you do that.

14:35 10 And I'm instructing the witness not to  
14:35 11 answer the question about what he's going to do to  
14:36 12 prepare for trial or in talking to me or otherwise. So  
14:36 13 that's the objection.

14:36 14 MR. DONATTI: Same objection if I ask,  
14:36 15 "What is your present intention to learn more about  
14:36 16 this conversation?"

14:36 17 MR. NAVARRO: Same objection.

14:36 18 Q. And are you not answering because your counsel  
14:36 19 has instructed you not to answer?

14:36 20 A. That's correct.

14:36 21 Q. So your current testimony is that Ms. Barrera  
14:36 22 told you that there was a dead baby, something about --

14:36 23 A. No. My -- that's -- you're misstating what I  
14:36 24 said.

14:36 25 Q. What did you say?

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14:46 1 gave to --

14:46 2 A. No.

14:46 3 Q. -- the investigator?

14:46 4 A. No.

14:46 5 Q. Do you agree with the advice that she gave to  
14:46 6 the investigator?

14:46 7 A. Definitely.

14:46 8 Q. So it is your impression that Ms. Gonzalez was  
14:46 9 not a flight risk?

14:46 10 A. I don't -- I have -- I don't know Ms. Gonzalez,  
14:46 11 but, you know, if that's what Ms. Barrera believed,  
14:46 12 then I would agree with her. I mean, Ms. Barrera is --  
14:46 13 she must have known that the lady was not a flight  
14:46 14 risk, so probably a U.S. citizen.

14:46 15 Q. Okay. So you spoke with Ms. Barrera after this  
14:47 16 conversation on February 1st -- or rather, let's lay  
14:47 17 that foundation first. Ms. Barrera texted you on --

14:47 18 A. Right.

14:47 19 Q. -- February 1st, abortion case, that  
14:47 20 conversation happened. You testified previously you  
14:47 21 didn't recall when that conversation had happened.

14:47 22 A. Right.

14:47 23 Q. Let's see if we can find it. So you --

14:47 24 A. Is that in the big packet?

14:47 25 Q. It's in Plaintiff's Exhibit 16.

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14:47 1 A. I don't think mine is marked. Is it this one?

14:47 2 MS. JOHNSON: It is the big packet.

14:47 3 THE WITNESS: This one?

14:47 4 Q. This is Sergeant Aguirre with the redaction.

14:47 5 A. This one, the big packet.

14:47 6 Q. This -- yeah, this is right.

14:47 7 A. Okay.

14:47 8 Q. If you go to page 85.

14:47 9 A. Okay. All right.

14:47 10 Q. Well, actually, let's -- let's start at  
14:48 11 page 84 -- or, rather, let's -- let's start at page 84.

14:48 12 A. Okay.

14:48 13 Q. So the messages go down in chronological order.  
14:48 14 Ms. Muniz asked Ms. Barrera, "Is now a good time, or  
14:48 15 let me know when."

14:48 16 Ms. Barrera responds, "Yes. You can come  
14:48 17 by. I'm about to head back from lunch, but I'm here at  
14:48 18 the courthouse."

14:48 19 The courthouse is your office; is that  
14:48 20 correct?

14:48 21 A. Yes, sir.

14:48 22 Q. Ms. Muniz says, "Okay. I'll see you in a bit."  
14:48 23 Then we go over to page 85.

14:48 24 A. Okay.

14:48 25 Q. My impression is that Ms. Muniz met Ms. Barrera

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14:48 1 in the courthouse. And then Ms. Muniz sends a message,  
14:48 2 "I forgot to mention I have a copy of the cremation  
14:48 3 certificate with the baby's name."

14:48 4 A. What? Hold on. Where is the words "the  
14:48 5 impression."

14:48 6 Q. No, no. I'm sorry. That's my impression.

14:48 7 A. Oh, I'm sorry. I'm sorry.

14:48 8 Q. And, again, not relevant to my questioning.

14:48 9 A. Okay.

14:48 10 Q. I'm trying to make sense of the sequence.

14:49 11 A. Okay. Okay.

14:49 12 Q. But they have a meeting in the courthouse.

14:49 13 A. Okay.

14:49 14 Q. And then on February 1st, 3:17:48 p.m.,  
14:49 15 Ms. Barrera says, "Okay. So spoke to Gocha. Just  
14:49 16 submit for grand jury review. No arrest warrant."

14:49 17 A. Right. Okay.

14:49 18 Q. Does that refresh --

14:49 19 MR. NAVARRO: Where does it say they had a  
14:49 20 meeting?

14:49 21 MR. DONATTI: Who?

14:49 22 MR. NAVARRO: You're saying your  
14:49 23 impression is they had a meeting, and I'm not seeing  
14:49 24 that here.

14:49 25 MR. DONATTI: From pages 83 and 84 and 85,

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14:49 1 they're coordinating a meeting on page 84, as we  
14:49 2 discussed --

14:49 3 MR. NAVARRO: They're talking about a  
14:49 4 meeting, but they're not saying they had a meeting.

14:49 5 MR. DONATTI: That's fine. It's not  
14:49 6 important to my question.

14:49 7 My question is Mr. Ramirez about his  
14:49 8 conversation with Ms. Barrera.

14:49 9 MR. NAVARRO: Okay. So page 85 now,  
14:49 10 right?

14:49 11 MR. DONATTI: We're on page 85.

14:49 12 Q. Does this refresh your recollection as to your  
14:50 13 meeting with Ms. Barrera?

14:50 14 A. No, it doesn't.

14:50 15 Q. Do you recall where you met Ms. Barrera?

14:50 16 A. I think in my -- in my office, I believe.

14:50 17 Q. Were you in your office when Ms. Muniz came to  
14:50 18 talk with Ms. Barrera?

14:50 19 A. No. I never spoke to Ms. Muniz.

14:50 20 Q. Did you listen in on that conversation?

14:50 21 A. No. No, sir.

14:50 22 Q. Did you overhear that conversation?

14:50 23 A. No, sir.

14:50 24 Q. So Ms. Barrera tells Ms. Muniz she spoke with  
14:50 25 you.

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14:50 1 A. Okay.

14:50 2 Q. "Just submit for grand jury review. No arrest  
14:50 3 warrant."

14:50 4 A. Okay.

14:50 5 Q. Did you discuss the arrest warrant with  
14:50 6 Ms. Barrera?

14:50 7 A. I don't know if we discussed an arrest warrant.  
14:50 8 I'm pretty sure that we discussed that we didn't have  
14:50 9 enough facts to make an arrest. I don't know that we  
14:50 10 discussed an arrest warrant.

14:50 11 But if this was on February the 1st of  
14:50 12 2022, we definitely didn't have enough facts. So  
14:50 13 that's what the discussion would have been about.

14:50 14 Q. What didn't you have enough facts about?

14:50 15 A. To charge anything.

14:50 16 Q. So what does it mean "just submit for grand  
14:51 17 jury review"?

14:51 18 A. Basically, just tell her -- tell the  
14:51 19 investigator, go about your business, complete your  
14:51 20 investigation, submit your file, and then we'll take a  
14:51 21 look at it.

14:51 22 Q. So your -- your impression here is that the  
14:51 23 district attorney's office would review the file once  
14:51 24 it was complete?

14:51 25 A. Yes, sir.

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14:51 1 Q. What facts would you have needed?

14:51 2 A. Well, depends on what the charges were going to  
14:51 3 be. But we would need more facts for any charge,  
14:51 4 because, I mean, this was February the 1st of '22. I  
14:51 5 don't think we had seen anything in writing from the  
14:51 6 sheriff's department in the form of a formal report,  
14:51 7 the medical records.

14:51 8 I don't think Ms. Barrera had a clear  
14:51 9 picture of what had happened at all. So that's -- I'm  
14:52 10 assuming that's what we discussed. There was no clear  
14:52 11 picture of what had happened.

14:52 12 And we just needed the sheriff's  
14:52 13 department to do what they do, finish their  
14:52 14 investigation, turn in the file, and then we could  
14:52 15 decide whether to present it to a grand jury or not.

14:52 16 Q. Did you tell Ms. Barrera what facts were  
14:52 17 missing?

14:52 18 A. No. I think most of the facts were missing at  
14:52 19 this date. I didn't tell her what facts were missing.  
14:52 20 But if it was on February 1st, almost all the facts  
14:52 21 were missing, because we hadn't seen anything on that  
14:52 22 case. The way I understand it, from what I understand,  
14:52 23 we had not seen anything at all.

14:52 24 Q. And was it your understanding that the  
14:52 25 sheriff's office investigation was complete?

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14:52 1 A. Not on February the 1st.

14:52 2 Q. So what are -- what is Ms. Barrera telling  
14:53 3 Ms. Muniz to submit?

14:53 4 A. The file whenever she's --

14:53 5 Q. The file --

14:53 6 A. -- done.

14:53 7 Q. The file is what?

14:53 8 A. It's all of the reports, the medical records,  
14:53 9 the interviews, everything that should be in an  
14:53 10 investigative file. And I don't believe that was  
14:53 11 turned in until -- I don't know. I think it was over a  
14:53 12 month later.

14:53 13 Q. So what would have happened if the file had  
14:53 14 been presented and incomplete?

14:53 15 A. I don't know. Hopefully, we would have caught  
14:53 16 it, and we would have asked for whatever was missing.  
14:53 17 But that's what ultimately and -- would have happened  
14:53 18 if we lived in a perfect world. We would have known  
14:53 19 that something was missing and asked that we get it.

14:53 20 Q. What if the file was incomplete not because it  
14:53 21 lacked a body camera video or something but because  
14:54 22 material evidence was missing from the elements of the  
14:54 23 offense?

14:54 24 A. Then, you know, what would have happened  
14:54 25 normally is we would have advised that something was

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14:54 1 missing.

14:54 2 Q. Would you have sent it back to the sheriff's  
14:54 3 office for further investigation?

14:54 4 A. I don't know if we would have sent it back. We  
14:54 5 might have asked for more investigation.

14:54 6 Q. And when the sheriff's office needs to  
14:54 7 supplement, do they have to resubmit --

14:54 8 A. No.

14:54 9 Q. -- a prosecution packet?

14:54 10 A. No. They just -- they just submit supplements.  
14:54 11 If they need to supplement, they'll just submit the  
14:54 12 supplement.

14:54 13 Q. Did Ms. Barrera tell you that she was pursuing  
14:54 14 a murder charge?

14:54 15 A. No, she did not.

14:54 16 Q. Did she tell you that she did not know what  
14:54 17 charge she was pursuing?

14:54 18 A. I don't remember her telling me that either.

14:54 19 Q. Did you know what the sheriff's office was  
14:54 20 investigating the incident as?

14:54 21 A. No, I don't, because that would have been -- I  
14:54 22 would have needed to have spoken to an investigator or  
14:55 23 seen the file.

14:55 24 Q. Did you tell Ms. Barrera, "I'm going to need to  
14:55 25 see the file again"?

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14:55 1 A. No.

14:55 2 Q. Did you tell her, "I'm going to need to talk to  
14:55 3 you about this case again"?

14:55 4 A. When?

14:55 5 Q. On February 1st.

14:55 6 A. I don't remember telling her that. I don't  
14:55 7 really remember what the conversation was about except  
14:55 8 that we didn't have enough facts.

14:55 9 Q. Uh-huh. So it is your testimony that you  
14:55 10 definitively did not have the facts to support probable  
14:55 11 cause for a murder charge?

14:55 12 A. We didn't have a file. So you can't have a  
14:55 13 case without a file. In other words, Ms. Barrera  
14:55 14 couldn't go to a grand jury on February the 2nd after  
14:55 15 this conversation without a file, without a report,  
14:55 16 without medical records, and present it to a grand jury  
14:56 17 for their consideration.

14:56 18 The file I don't believe was turned in  
14:56 19 until at least a month later. So we had nothing except  
14:56 20 what had been orally told to Ms. Barrera or  
14:56 21 Mr. Villarreal.

14:56 22 Q. How did you know you would be out of town when  
14:56 23 you discussed the case on February 1st?

14:56 24 A. Because we had already set -- well, I don't  
14:56 25 know if that's when I told her we were going to be out

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14:56 1 of town. I told her I was going to be out of town  
14:56 2 whenever -- right before she presented the case to the  
14:56 3 grand jury. And I don't know when that was.

14:56 4 But we had already had settings for grand  
14:56 5 jury in Jim Hogg. We know in advance, a month in  
14:56 6 advance when we're going to have grand jury in Jim  
14:56 7 Hogg. And we know a month in advance, more or less,  
14:56 8 when we're going to have grand jury in Starr County.  
14:56 9 And it just so happened that those grand juries were on  
14:56 10 the same day. We have a grand jury in each county.

14:56 11 Q. Why was your presence in the county relevant to  
14:56 12 this conversation?

14:56 13 A. Because I wasn't going to be there.

14:57 14 Q. Where?

14:57 15 A. In Starr.

14:57 16 Q. For what?

14:57 17 A. For a grand jury.

14:57 18 Q. Is your understanding that you were scheduling  
14:57 19 a grand jury presentation of this case on February 1st?

14:57 20 A. No, no, no. No, no. I don't understand your  
14:57 21 question. I don't know that we talked about  
14:57 22 presentation to a grand jury on February -- we talked  
14:57 23 about getting more facts for a grand jury.

14:57 24 But I don't know that we had set this case  
14:57 25 for presentation to a grand jury on February the 1st.

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14:57 1 I don't think it was presented to a grand jury until --  
14:57 2 until March, but I could be wrong.

14:57 3 Q. How could you know you were going to be  
14:57 4 unavailable during the grand jury presentation date if  
14:57 5 the plan was not to present the case to a grand jury?

14:57 6 A. I don't understand your question. When --  
14:57 7 these -- I don't know that this is the same  
14:57 8 conversation that we're talking about.

14:57 9 In other words, the conversation we're  
14:57 10 having here with Ms. Barrera is -- she says, "Okay.  
14:58 11 Just spoke to Gocha. Just submit for grand jury  
14:58 12 review." We didn't have a date certain that we were  
14:58 13 going to present this case to a grand jury at that  
14:58 14 time.

14:58 15 Later on, after the file was turned in,  
14:58 16 when Ms. Barrera decided to present it to a Starr  
14:58 17 County grand jury is when I knew that I was not going  
14:58 18 to be present. Not on the 1st of February. That would  
14:58 19 have been later in time.

14:58 20 Q. What facts did Ms. Barrera learn after  
14:58 21 February 1st that closed the gap on probable cause?

14:58 22 A. I don't know. You'd have to ask her.

14:58 23 Q. Are you aware of any facts that Ms. Barrera  
14:58 24 learned that closed the gap on probable cause?

14:58 25 A. No, I'm not aware of what facts Ms. Barrera

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14:58 1 learned, because I didn't see the file until after the  
14:58 2 indictment was returned.

14:58 3 Q. Do you believe that your office ever had  
14:59 4 sufficient facts to present this charge to a grand  
14:59 5 jury?

14:59 6 A. I don't know. I don't know. The case -- you  
14:59 7 know, sometimes we present cases to grand juries  
14:59 8 expecting no bills. Sometimes we present them to grand  
14:59 9 juries expecting true bills. Sometimes grand juries  
14:59 10 decide to charge something that we don't even -- we  
14:59 11 don't even guess they're going to charge, they're going  
14:59 12 to indict for.

14:59 13 So, no, I didn't -- I don't know whether  
14:59 14 or not there was enough probable cause to present the  
14:59 15 case to a grand jury for whatever charge.

14:59 16 Q. Did you know on February 1st that the  
14:59 17 prosecution packet had not been submitted?

14:59 18 A. I can't say that I knew for sure. I'm assuming  
14:59 19 that that's why we asked for just no arrest, just  
14:59 20 finish your investigation basically.

14:59 21 Q. Do you always wait to make an arrest until  
15:00 22 after a prosecution packet is submitted?

15:00 23 A. We don't make -- we don't usually make arrests.  
15:00 24 The investigative agency makes the arrest.

15:00 25 Q. Do you often tell law enforcement officers to

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15:00 1 hold off on arrests until a prosecution packet has been  
15:00 2 submitted?

15:00 3 A. No, sir.

15:00 4 Q. Let's see where we are -- let's see where we  
15:00 5 are on time.

15:00 6 Did you have any subsequent conversations  
15:00 7 with Ms. Barrera between February 1st and when the case  
15:00 8 was presented to the grand jury?

15:00 9 A. Substantive just when she told me she was going  
15:00 10 to present it. I don't know what date that was.

15:00 11 Q. Okay.

15:00 12 A. That would have been -- I think would have been  
15:00 13 March maybe.

15:00 14 Q. I apologize. My question was subsequent.

15:00 15 A. Oh, I'm sorry. Yes, I had a conversation with  
15:01 16 her when we sat down -- she sat down with me and she  
15:01 17 said she was going to present it or she wanted to  
15:01 18 present it.

15:01 19 You know, it wasn't asking permission, but  
15:01 20 it was kind of letting me know she was going to present  
15:01 21 it and she wanted to present it. And that's when I  
15:01 22 told her that I was going to be in Jim Hogg County.

15:01 23 Q. And this is --

15:01 24 A. That would have been --

15:01 25 Q. -- a separate conversation from --

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15:01 1 A. Yes.

15:01 2 Q. -- the February 1st conversation?

15:01 3 A. I'm -- yes.

15:01 4 Q. And what did Ms. Barrera tell you she had  
15:01 5 learned since February 1st?

15:01 6 A. I don't remember what she told me she had  
15:01 7 learned, if anything.

15:01 8 Q. Do you remember that she had acquired new  
15:01 9 facts?

15:01 10 A. I don't know that she told me she had acquired  
15:01 11 new facts.

15:01 12 Q. So what did she -- what was your conversation  
15:01 13 about?

15:01 14 A. About her presenting the case to the grand  
15:01 15 jury.

15:01 16 Q. And what was the case?

15:01 17 A. Ms. Herrera's case.

15:01 18 Q. What was Ms. Herrera's case?

15:01 19 A. It involved a dead baby. That's all I knew.

15:01 20 Q. Did you know that she was presenting a murder  
15:02 21 charge to the grand jury?

15:02 22 A. I don't know that she presented a murder  
15:02 23 charge. I don't know that she did that. I know she  
15:02 24 presented the case to the grand jury. That's all I can  
15:02 25 tell you.

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15:02 1 Q. Did she discuss possible charges with you?

15:02 2 A. No.

15:02 3 Q. Did you ask --

15:02 4 A. No.

15:02 5 Q. -- what charges were available?

15:02 6 A. No.

15:02 7 Q. Did you ask what evidence was available?

15:02 8 A. No.

15:02 9 Q. Did she use the words "dead baby"?

15:02 10 A. I don't remember.

15:02 11 Q. Is it your testimony that she did not use the  
15:02 12 word "dead baby"?

15:02 13 A. No. It can't be my testimony because I don't  
15:02 14 remember.

15:02 15 Q. Would it have made a difference to you?

15:02 16 A. Not really. I mean, that was my understanding  
15:02 17 of the case to begin with, that it was a dead baby.

15:02 18 Q. If your office presented this case to a grand  
15:02 19 jury, you would have been the first office to prosecute  
15:02 20 an abortion. Is that your understanding?

15:03 21 A. I don't know. That's not my understanding. I  
15:03 22 don't know. I don't even know what your question is.  
15:03 23 First office where?

15:03 24 Q. You had not previously been familiar with any  
15:03 25 abortion prosecutions?

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15:03 1 A. No. No, I didn't. That was not something that  
15:03 2 interested me.

15:03 3 Q. Your understanding was that abortion was legal  
15:03 4 in the state of Texas?

15:03 5 A. Yes, sir.

15:03 6 Q. So if an abortion case was presented to a grand  
15:03 7 jury, what did you expect would happen?

15:03 8 A. Well, it depended on the facts. Like as I told  
15:03 9 you earlier, I don't know whether or not -- I didn't  
15:03 10 know at the time whether or not the case involved a  
15:03 11 botched abortion where the baby was born alive and then  
15:03 12 died. In that case, I don't know what would have  
15:03 13 happened. I don't know if that's been presented  
15:03 14 before. It may have been. My impression was that the  
15:03 15 baby was -- there was a dead baby, not that it was a  
15:04 16 fetus.

15:04 17 Q. Did you ask Ms. Barrera these questions?

15:04 18 A. No, I did not.

15:04 19 Q. Why not?

15:04 20 A. Because I didn't think I needed to ask her  
15:04 21 those questions. I actually was much more interested  
15:04 22 in the case that was being presented in Jim Hogg  
15:04 23 County.

15:04 24 Q. What were the potential consequences for  
15:04 25 Ms. Gonzalez of an indictment in this case?

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15:04 1 A. It depends on what she was indicted for.  
15:04 2 Obviously, she was indicted for murder, and the  
15:04 3 consequences were severe.

15:04 4 Q. And are you not interested in those  
15:04 5 consequences?

15:04 6 A. I am interested now. I mean, I didn't think  
15:04 7 this was going to happen. This obviously was a  
15:04 8 mistake, so I didn't anticipate this.

15:04 9 Q. You said the word "botched abortion" a few  
15:05 10 times. What is that?

15:05 11 A. I don't know. I mean, that's -- I would assume  
15:05 12 that's when somebody tries to have an abortion. My  
15:05 13 understanding of a botched abortion would be, say,  
15:05 14 somebody trying to abort a baby and the baby being born  
15:05 15 alive and then dying as a result of those acts.

15:05 16 Q. Was that your understanding of the facts?

15:05 17 A. No. No. I just -- that's basically -- for  
15:05 18 some reason, that's what I had imagined the case  
15:05 19 involved when there was a mention of drugs and a dead  
15:05 20 baby. That's what I imagined.

15:05 21 Q. Have you ever read Chapter 19 of the Texas  
15:05 22 Penal Code?

15:05 23 A. I'm sure I've looked at it.

15:05 24 Q. When you work on criminal cases, do you  
15:05 25 typically read through the full chapter?

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15:05 1 A. No, not always.

15:05 2 Q. What about a homicide case?

15:06 3 A. No, not -- not always. I mean, the homicide  
15:06 4 statute is a fairly simple statute. So that's  
15:06 5 usually -- I mean, on all the homicide cases I've  
15:06 6 worked on, the definition of homicide is right in the  
15:06 7 first part of the statute.

15:06 8 Q. How long is the homicide statute?

15:06 9 A. I don't know. It's several sections.

15:06 10 Q. There are -- if I represent to you that there's  
15:06 11 six sections, does that sound accurate to you?

15:06 12 A. Sounds accurate. Six or seven, yeah.

15:06 13 Q. Is it important as a prosecutor to know the  
15:06 14 law?

15:06 15 A. It is important to know the law.

15:06 16 Q. Is it important to read all of the statutory  
15:06 17 elements of an offense?

15:06 18 A. Sometimes it is.

15:06 19 Q. When is it not important to read the elements  
15:06 20 of a crime?

15:06 21 A. Well, if you have a possession case of  
15:06 22 possession of marijuana, possession of cocaine, those  
15:06 23 kind of cases, I don't think you need to read through  
15:07 24 the whole safety and health -- health and safety code  
15:07 25 or read the whole statute about how marijuana is

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15:07 1 defined, what the content has to be, et cetera. I  
15:07 2 don't think you need to read the whole statute there.

15:07 3 Q. Apologies. The homicide statute, when is it  
15:07 4 not important to read the elements of a homicide  
15:07 5 charge?

15:07 6 A. I don't -- I don't know when it's not  
15:07 7 important.

15:07 8 Q. Were you familiar with Section 19.06?

15:07 9 A. No. I was -- well, no, I was not familiar with  
15:07 10 that section. That had never come up before. And I  
15:07 11 had been -- I had been an attorney for 40-some years.  
15:07 12 I've been an attorney for 46 at this point. And I  
15:07 13 don't ever remember dealing with 19.06.

15:07 14 Q. You understood abortion is not a crime --

15:07 15 A. Yes.

15:07 16 Q. -- is that correct?

15:07 17 A. Yes, I did.

15:07 18 Q. You're familiar with the case Roe versus Wade?

15:07 19 A. Of course I am.

15:07 20 Q. Do you follow updates from the Texas Court of  
15:07 21 Criminal Appeals?

15:07 22 A. I try to.

15:08 23 Q. Has -- in your understanding, has the Texas  
15:08 24 Court of Criminal Appeals ever held somebody liable for  
15:08 25 an abortion?

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15:08 1 A. Not to my understanding, no.

15:08 2 Q. Has the Texas Court of Criminal Appeals ever  
15:08 3 held somebody liable for assisting an abortion?

15:08 4 A. Not to my -- well, not -- not in 2022.

15:08 5 Q. 2022?

15:08 6 A. Yeah.

15:08 7 Q. In 2022 would it have been a crime to assist an  
15:08 8 abortion?

15:08 9 A. Not that I know of, no.

15:08 10 MR. DONATTI: I think now is a good time  
15:08 11 for a break.

15:08 12 THE WITNESS: Okay.

15:08 13 (Brief recess)

15:51 14 Q. We just came back from a short break. Did you  
15:51 15 talk to your attorney during the break?

15:51 16 A. I did.

15:51 17 Q. Before we left, we were talking about the facts  
15:51 18 of the case as you understood them. That's correct,  
15:51 19 yeah?

15:51 20 A. Yes, sir.

15:51 21 Q. And you made references to drugs, correct?

15:51 22 A. Yes, sir.

15:51 23 Q. And the drugs was the medication Misoprostol,  
15:51 24 correct?

15:51 25 A. Ultimately, that's what I found out.

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15:51 1 Q. And Ms. Herrera never gave Misoprostol to her  
15:51 2 unborn child, correct?

15:51 3 A. I don't know. I don't know how -- how they  
15:51 4 were administered.

15:51 5 Q. Ms. Herrera ingested Misoprostol vaginally,  
15:52 6 correct?

15:52 7 A. That's what I understand.

15:52 8 Q. And the effect of taking that medication was to  
15:52 9 terminate her own pregnancy; is that correct?

15:52 10 A. That's what I understand.

15:52 11 Q. And you understood abortion was legal in 2022;  
15:52 12 is that correct?

15:52 13 A. Yes.

15:52 14 Q. And you had never heard of a case in which a  
15:52 15 woman was prosecuted for terminating her own pregnancy;  
15:52 16 is that correct?

15:52 17 A. No, I had not.

15:52 18 Q. You had never heard of a case in which a person  
15:52 19 who assisted a consensual abortion was prosecuted for  
15:52 20 murder; is that correct?

15:52 21 A. I had not.

15:52 22 Q. So assisting with an abortion is not a criminal  
15:52 23 act, correct?

15:52 24 A. In 2022, it was not.

15:52 25 Q. And so you do not consider yourself as having

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15:52 1 committed a criminal act by assisting Becky Rocha with  
15:52 2 obtaining an abortion, correct?

15:52 3 A. I don't know what you're talking about.

15:52 4 Q. What conversations did you have with  
15:52 5 Ms. Barrera after that second conversation where you  
15:52 6 told her to present to the grand jury?

15:52 7 A. The next time I spoke to her was after  
15:53 8 Ms. Herrera had been arrested.

15:53 9 Q. Did you help her prepare for the grand jury  
15:53 10 presentation?

15:53 11 A. No.

15:53 12 Q. And did you ever review the prosecution packet?

15:53 13 A. After -- after Ms. -- I'm sorry.

15:53 14 Q. Before the indictment, did you ever review the  
15:53 15 prosecution packet?

15:53 16 A. No, sir.

15:53 17 Q. Ms. Barrera presented the charge alone?

15:53 18 A. I -- I believe she did, but I -- I can't say  
15:53 19 for sure, because I wasn't there.

15:53 20 Q. Where were you when the case was presented?

15:53 21 A. I was in Hebbronville, Jim Hogg County.

15:53 22 Q. You were working on that day?

15:53 23 A. Yes, sir.

15:53 24 Q. After the grand jury true billed the  
15:53 25 indictment, Ms. Barrera drafted the indictment; is that

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15:53 1 correct?

15:53 2 A. I -- I believe she did.

15:53 3 Q. Who helped her draft the indictment?

15:53 4 A. I don't know.

15:53 5 Q. I'd like to introduce Plaintiff's previously  
15:54 6 introduced Exhibit 17, the indictment.

15:54 7 MR. NAVARRO: 17?

15:54 8 MR. DONATTI: This is Plaintiff's  
15:54 9 Exhibit 17.

15:54 10 Q. This indictment was signed on March 30th, 2022.  
15:54 11 The indictment nowhere mentions the crime of homicide,  
15:54 12 correct?

15:54 13 A. Not the word "homicide," no.

15:54 14 Q. The indictment instead says that the Defendant,  
15:54 15 Ms. Lizelle Herrera, then and there intentionally and  
15:54 16 knowingly caused the death of an individual J.A.H. by  
15:55 17 self-induced abortion; is that correct?

15:55 18 A. That's correct.

15:55 19 Q. Did you assist in preparing this indictment?

15:55 20 A. I did not.

15:55 21 Q. Did you review this indictment before it was  
15:55 22 submitted?

15:55 23 A. I did not.

15:55 24 Q. Did you approve of this indictment?

15:55 25 A. No, sir.

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15:55 1 Q. Why does the indictment refer to a self-induced  
15:55 2 abortion?

15:55 3 A. I don't know.

15:55 4 Q. Why does the indictment not refer to murder?

15:55 5 A. I don't know.

15:55 6 Q. On the back side of this page, what is this?

15:55 7 A. This is part of the indictment.

15:55 8 Q. Okay. Great. When was Ms. Herrera arrested?

15:55 9 A. I don't remember the date.

15:55 10 Q. Did you instruct your team to issue a sealed  
15:55 11 indictment for Ms. Herrera's case?

15:55 12 A. No, I did not instruct them to issue a sealed  
15:55 13 indictment.

15:55 14 Q. Did you know that the indictment would be  
15:55 15 sealed?

15:55 16 A. If she had been indicted for anything, it would  
15:56 17 have been sealed because she had not been arrested.  
15:56 18 All indictments of unarrested people are sealed.

15:56 19 Q. When was Ms. Gonzalez's bail set?

15:56 20 A. According to the indictment, the bail was set  
15:56 21 on April the 1st of 2022.

15:56 22 Q. Did you recommend the bail amount?

15:56 23 A. No.

15:56 24 Q. Did anyone in your office recommend the bail  
15:56 25 amount?

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15:56 1 A. No. We don't recommend bail amounts. Those  
15:56 2 are set strictly by -- by the judge.

15:56 3 Q. What was your office's role in the arrest of  
15:56 4 Ms. Gonzalez?

15:56 5 A. I don't believe we had any role in the arrest.

15:56 6 Q. Did your office facilitate the planning of the  
15:56 7 arrest?

15:56 8 A. Not that I know of.

15:56 9 Q. Did your office participate in the planning of  
15:56 10 the arrest?

15:56 11 A. No, sir.

15:56 12 Q. Did you discuss the arrest with anyone?

15:56 13 A. No.

15:56 14 Q. Okay. So I'd like to show you another exhibit.  
15:56 15 This is a text between Mr. Ramirez and Abel Villarreal.

15:57 16 Strike that. We can move on.

15:58 17 (Discussion)

15:58 18 A. Okay. Yes, sir.

15:59 19 Q. So first we're going to be discussing what's  
15:59 20 been marked as Plaintiff's Exhibit 33. And those are  
15:59 21 text messages between Abel Villarreal and Mr. Ramirez.

15:59 22 A. Okay.

15:59 23 (Discussion)

15:59 24 Q. Do you have Exhibit 33 in front of you?

15:59 25 A. Yes, sir.

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16:27 1 MR. DONATTI: Yes.

16:27 2 Q. And if you jump back to page 64, which is the  
16:27 3 back.

16:27 4 A. Okay. Yes, sir.

16:27 5 Q. At the very top at -- April 13th, 2022, at  
16:27 6 12:45 p.m., you send a message to the district  
16:27 7 attorney's office group chat, "Grand jury next Friday.  
16:27 8 Please review cases you're going to present carefully.  
16:27 9 Alex and I will hopefully be done with trial by then.  
16:27 10 It's Balde, remember. But I'll be there to speak to  
16:27 11 the grand jury about the issue with Ms. Herrera's  
16:27 12 indictment and answer any questions they may have."

16:27 13 A. Okay.

16:27 14 Q. Do you recall that presentation with the grand  
16:27 15 jury?

16:27 16 A. No, I don't.

16:27 17 Q. Who else did you talk to following the  
16:28 18 dismissal?

16:28 19 A. Following the dismissal?

16:28 20 Q. Yes.

16:28 21 A. I -- I don't know who I spoke to. I spoke to  
16:28 22 my wife. I might have spoken to my children. I'm sure  
16:28 23 I spoke to my ADAs. I don't know if I spoke to each  
16:28 24 and every one of them, but I'm sure I spoke to Alex and  
16:28 25 Abel. Might have talked to Judy.

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16:28 1 Q. Did you talk to Becky Rocha?

16:28 2 A. I don't think I spoke to her. I think she sent  
16:28 3 me a text.

16:28 4 Q. Okay. I'd like to add another exhibit in our  
16:28 5 file, Exhibit Y.

16:29 6 MR. NAVARRO: Which exhibit are you on?

16:29 7 MR. DONATTI: Say again. I'm sorry?

16:29 8 MR. NAVARRO: What exhibit are you on?

16:29 9 MR. DONATTI: This is going to be  
16:29 10 Plaintiff's Exhibit 37.

16:29 11 (Discussion)

16:29 12 Q. So this exhibit is the affidavit of Becky Ann  
16:29 13 Rocha.

16:29 14 A. Okay.

16:29 15 Q. Which says she is in possession of text  
16:29 16 messages between herself and Mr. Ramirez which she  
16:29 17 produced to Ms. Gonzalez's attorneys. And then the  
16:29 18 second page -- second and third pages are a series of  
16:30 19 messages.

16:30 20 A. Okay.

16:30 21 Q. At the beginning, Ms. Rocha says, "Good  
16:30 22 morning. I really hope you're doing very well. With  
16:30 23 all that backlash, you're probably getting take a deep  
16:30 24 breath." Prayer hands emoji. That's April 12th 2022.

16:30 25 You responded, "Thank you. It's very

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16:30 1 possible that my career is over, but I will continue to  
16:30 2 move forward. I've been blessed with 43 years of work.  
16:30 3 If it ends because of this, then so be it. Thank you  
16:30 4 for your support, Becky."

16:30 5 Did you send that message?

16:30 6 A. I'm sure I did.

16:30 7 Q. Why did you think your career might be over?

16:30 8 A. I was really depressed about what had happened  
16:30 9 at that point in time. It was just -- I think  
16:30 10 everybody involved, especially myself and Alex, we were  
16:30 11 very depressed about the mistake that had been made.  
16:30 12 And I didn't know how the -- what was going to happen  
16:30 13 and how it would turn out.

16:30 14 Q. Then Ms. Rocha says she's here if you need to  
16:31 15 talk. And you respond, "Thank you. I will take you up  
16:31 16 after my trial next week. I need someone to talk to."  
16:31 17 Do you see that message?

16:31 18 A. Yeah. I see some messages in between that,  
16:31 19 but -- oh, you're going across the page?

16:31 20 Q. You have to go across, yes.

16:31 21 A. Okay. Yes, I do see it.

16:31 22 Q. What is your relationship with Becky Rocha?

16:31 23 A. I don't have a relationship with her, no.

16:31 24 Q. How long have you known Becky Rocha?

16:31 25 A. I've known her for decades.

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16:31 1 Q. And is she your friend?

16:31 2 A. No.

16:31 3 Q. So when you respond to, "No, my friend. It's a  
16:31 4 sexual assault to a child case," what do you mean?

16:31 5 A. That's a term of -- a term of art. I mean,  
16:31 6 she's not a friend. I don't consider her a friend.  
16:31 7 She's an acquaintance.

16:31 8 Q. Have you ever had a romantic relationship with  
16:31 9 Ms. Rocha?

16:31 10 A. Not a romantic one, no.

16:31 11 Q. Have you ever had a sexual relationship with  
16:31 12 Ms. Rocha?

16:31 13 A. Yes.

16:31 14 Q. The next message you say you're going to try  
16:31 15 and start rehabilitating your reputation. She says,  
16:32 16 "You have a great reputation." And then she asks you  
16:32 17 if you think you made the right decision.

16:32 18 A. Where is that on the page?

16:32 19 Q. This is --

16:32 20 A. Okay. I got it.

16:32 21 Q. You think you made the right decision in  
16:32 22 regards to her inducing her own abortion. It continues  
16:32 23 on No. 4.

16:32 24 A. All right.

16:32 25 Q. You say what you said in the press release. It

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16:32 1 should not -- I should not have indicted her.

16:32 2 A. Right.

16:32 3 Q. Then on the next panel, there's a message from  
16:32 4 you that says, "I'm not commenting because she hasn't  
16:32 5 commented and she doesn't want to." How did you know  
16:32 6 she didn't want to comment?

16:32 7 A. She had -- they had mentioned that when we had  
16:32 8 had our meeting at the office. And her attorney had  
16:32 9 told me that she just didn't want to comment, that they  
16:33 10 had been receiving calls also. And she didn't want to  
16:33 11 comment. And at this point, neither did I.

16:33 12 Q. So if she doesn't want to -- you said, "No le  
16:33 13 conviene."

16:33 14 A. Right.

16:33 15 Q. That's Spanish for "doesn't convenience her"?

16:33 16 A. Right. It's not -- it's not something she  
16:33 17 wants. Yes, it's not to her advantage to comment.

16:33 18 Q. Then you say, "Believe me, this is not her  
16:33 19 first."

16:33 20 A. Excuse me?

16:33 21 Q. Here you're referring to Ms. Gonzalez, correct?

16:33 22 A. Right.

16:33 23 Q. You say, "Believe me, this is not her first."

16:33 24 A. Right.

16:33 25 Q. What do you mean?

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16:33 1 A. I'm not sure what I meant by that. I don't  
16:33 2 know if wasn't her first brush with the law or whether  
16:33 3 I had read that she had -- had terminated pregnancies  
16:33 4 before. I'm not -- I'm not sure exactly what that  
16:33 5 meant.

16:33 6 Q. Why would that have mattered?

16:33 7 A. It didn't matter to me. That was just a  
16:33 8 comment I made.

16:34 9 Q. Did you know Ms. Gonzalez before the  
16:34 10 prosecution?

16:34 11 A. No, sir.

16:34 12 Q. Did you speak to her outside of the  
16:34 13 conversation in your office?

16:34 14 A. No, sir.

16:34 15 Q. Why did you say, "Believe me, this is not her  
16:34 16 first"?

16:34 17 A. I'm not sure. I'm really not sure if I had  
16:34 18 read that she had a prior criminal record or whether or  
16:34 19 not I read somewhere in the medical records that she  
16:34 20 had terminated pregnancies before. So I'm not sure  
16:34 21 what I meant by "first." You know, I can't tell you  
16:34 22 for certain what I meant by that.

16:34 23 Q. Do you have hard feelings towards Ms. Gonzalez?

16:34 24 A. No, not at all. I don't really know her.

16:34 25 Q. Were you surprised by the public reaction to

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16:34 1 the indictment?

16:34 2 A. Well, at first I was because I didn't realize  
16:35 3 what was going on. But after I realized the mistake we  
16:35 4 had made, then I was not surprised that it got that  
16:35 5 much trash.

16:35 6 Q. So after you realized that abortion was not a  
16:35 7 crime in the state of Texas?

16:35 8 A. No, that's not what I said.

16:35 9 Q. What did you realize?

16:35 10 A. I realized we had made a mistake.

16:35 11 Q. And the mistake was?

16:35 12 A. The mistake was indicting her, that she had  
16:35 13 been indicted under my watch.

16:35 14 Q. Okay. So I'd like to jump -- well, two further  
16:35 15 questions. Would a prior criminal record have  
16:35 16 justified her indictment for homicide here?

16:35 17 A. Oh, no. No. And that's -- if that's what you  
16:35 18 understood me to say, that's not what I meant. I  
16:35 19 thought I was talking about the text message with  
16:35 20 Ms. Rocha.

16:35 21 Q. Correct.

16:35 22 A. That "No le conviene." It has nothing to do  
16:35 23 with justifying an indictment.

16:35 24 Q. What --

16:35 25 A. It had to do with speaking out to the press.

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16:35 1 Q. Would a prior pregnancy termination have  
16:36 2 justified her indictment?

16:36 3 A. No, sir.

16:36 4 Q. Okay. Let's jump ahead to the grievance  
16:36 5 procedure. A grievance was initiated against you  
16:36 6 shortly after the dismissal, correct?

16:36 7 A. Yes, sir. A few months afterwards.

16:36 8 Q. And members of your team were subpoenaed to  
16:36 9 testify, correct?

16:36 10 A. Yes, sir.

16:36 11 Q. ADA Barrera was subpoenaed to testify?

16:36 12 A. Yes.

16:36 13 Q. Judy Solis was subpoenaed to testify?

16:36 14 A. Yes.

16:36 15 Q. Abel Villarreal was subpoenaed to testify?

16:36 16 A. Yes, sir.

16:36 17 Q. Anyone else subpoenaed --

16:36 18 A. Myself.

16:36 19 Q. -- to testify?

16:36 20 Besides you and the three individuals I  
16:36 21 mentioned, anyone else?

16:36 22 A. I don't think so. I think that was it.

16:36 23 Q. And I realize I should jump back a little bit  
16:36 24 back to the messages. Are these messages between you  
16:36 25 and Ms. Rocha on your phone?

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16:36 1 A. I don't know. I don't know.

16:37 2 Q. Have you deleted these messages?

16:37 3 A. I don't know. They would still be on my phone  
16:37 4 even if I had deleted them.

16:37 5 Q. Did you search through these messages in  
16:37 6 connection with this case?

16:37 7 A. I didn't.

16:37 8 Q. Did the extraction pull these messages from  
16:37 9 your phone?

16:37 10 A. I don't know.

16:37 11 MR. DONATTI: Okay. We are going  
16:37 12 to request production of these messages to the extent  
16:37 13 they're still on your phone.

16:37 14 MR. NAVARRO: Let me be clear. My  
16:37 15 understanding is you've gotten the extraction from his  
16:37 16 phone already is what I thought.

16:37 17 MR. DONATTI: We haven't gotten every  
16:37 18 person he's messaged with. We've gotten a selection of  
16:37 19 messages with certain individuals in a pretty narrow  
16:37 20 date range. But insofar --

16:37 21 MR. NAVARRO: You're saying you don't  
16:37 22 have -- you have the extraction, but they don't include  
16:38 23 text messages with Becky Rocha?

16:38 24 MR. DONATTI: Correct.

16:38 25 MR. NAVARRO: Okay. I'll follow up on

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16:38 1 that. I was under the impression you just -- you had  
16:38 2 everything. But I'll -- Kelly has been handling that  
16:38 3 part of it, so I'll follow up with it.

16:38 4 MR. DONATTI: Understood.

16:38 5 Q. What was Ms. Barrera's testimony at the  
16:38 6 grievance procedure?

16:38 7 A. Oh, I wouldn't be able to tell you that. At  
16:38 8 the grievance procedure -- actually, it was in two  
16:38 9 parts, and it was hours. Almost as long as this  
16:38 10 deposition.

16:38 11 Q. And you requested transcripts and videos of the  
16:38 12 grievance procedure?

16:38 13 A. I did. And they never -- I was not allowed to  
16:38 14 get them. I was told I couldn't have them.

16:38 15 Q. Okay. I'd like to walk through the agreed  
16:38 16 judgment of probated suspension --

16:38 17 A. Sure.

16:38 18 Q. -- if we can show you what's previously been  
16:38 19 marked as Plaintiff's Exhibit 26. I don't think it  
16:38 20 matters who gets what.

16:39 21 A. Yes, sir.

16:39 22 Q. So we are looking at what has previously been  
16:39 23 marked as Plaintiff's Exhibit 26, the agreed judgment  
16:39 24 of probated suspension in the matter of Gocha A.  
16:39 25 Ramirez. You made a series of admissions in connection

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16:39 1 with the disciplinary procedure.

16:39 2 A. No, I don't -- they were not admissions. They  
16:39 3 were agreed findings of fact?

16:39 4 Q. Okay. So you made a series of agreed findings  
16:39 5 of fact --

16:39 6 A. Yes.

16:39 7 Q. -- with the disciplinary proceeding?

16:39 8 A. Yes, sir.

16:39 9 Q. Okay. So the first three, you are an attorney  
16:39 10 that's licensed to practice law in Texas and a member  
16:39 11 of the State Bar of Texas. Do you agree?

16:39 12 A. Yes.

16:39 13 Q. Your professional misconduct occurred in whole  
16:39 14 or in part in Starr County, Texas. Do you agree?

16:39 15 A. That was the finding, that it was in Starr  
16:40 16 County, Texas.

16:40 17 Q. At all relevant times, you were the district  
16:40 18 attorney of Starr County, Texas?

16:40 19 A. Yes. For this particular grievance, yes, I  
16:40 20 was.

16:40 21 Q. "No. 4, assistant district attorneys under  
16:40 22 respondent's supervision sought to pursue criminal  
16:40 23 homicide charges against an individual for acts clearly  
16:40 24 not criminal pursuant to Texas Penal Code 19.06."

16:40 25 A. That's correct.

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16:40 1 Q. Why does it refer to plural assistant district  
16:40 2 attorneys?

16:40 3 A. I don't know. I think that's a typo. Because  
16:40 4 we actually removed the plural from either 6 or 7 when  
16:40 5 we were negotiating the language, so I -- I believe  
16:40 6 that's just a typo.

16:40 7 Q. And do you -- you negotiated the language on a  
16:40 8 few of these agreed findings of fact, correct?

16:40 9 A. Yeah. We actually -- we actually went back and  
16:41 10 forth for almost a month, maybe three weeks,  
16:41 11 negotiating language on this.

16:41 12 Q. Okay.

16:41 13 A. Which I didn't know you could do, quite  
16:41 14 honestly.

16:41 15 Q. I would like to go ahead and show you a new  
16:41 16 exhibit which we will mark as Plaintiff's Exhibit 38,  
16:41 17 Exhibit U.

16:42 18 (Discussion)

16:42 19 A. Okay.

16:42 20 Q. What was the testimony of Judy Solis at the  
16:42 21 grievance hearings?

16:42 22 A. I don't -- I don't remember what her  
16:42 23 testimony -- her testimony. Basically they were -- and  
16:42 24 I'm not even sure why they went here, but they were  
16:42 25 basically questioning her, if I remember correctly,

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16:42 1 about her representation of the husband, which really  
16:42 2 had nothing to do with the grievance against me.

16:42 3 Q. Was that the first time you learned she had  
16:42 4 represented --

16:42 5 A. Yes.

16:42 6 Q. -- Ms. Gonzalez's husband?

16:42 7 A. Yes.

16:42 8 Q. What was your response to --

16:42 9 A. They didn't ask me questions about that.

16:42 10 Q. What was your testimony at the grievance  
16:42 11 proceeding?

16:42 12 A. Oh, it was hours of testimony. I wouldn't be  
16:43 13 able to -- you'd have to be a little more specific with  
16:43 14 your question.

16:43 15 Q. Okay. So let's talk about some of this  
16:43 16 negotiation which is in Plaintiff's Exhibit 38. It's a  
16:43 17 series of messages in which you're going back and forth  
16:43 18 about the language?

16:43 19 A. Yes, sir.

16:43 20 Q. So the first e-mail, you say -- the first  
16:43 21 e-mail is on the last page, an e-mail thread going in  
16:43 22 reverse chronological order.

16:43 23 A. Okay. That would not be the first e-mail.

16:43 24 Q. This is the first e-mail in this thread.

16:43 25 A. Well, we had -- I had exchanged -- you may --

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16:43 1 and this exhibit may be the first e-mail, but you  
16:43 2 actually left out several of the e-mails that went back  
16:43 3 and forth between myself and Investigator Hackett. And  
16:43 4 that's fine. If you don't want them included in the  
16:44 5 exhibit for whatever reason, that's fine. But this  
16:44 6 would not be the first e-mail.

16:44 7 Q. So when you're talking about additional e-mails  
16:44 8 that are not included here, is that in regard to  
16:44 9 negotiating the language of agreed findings of fact?

16:44 10 A. I believe so. I believe that -- I don't  
16:44 11 believe my first e-mail was on January the 12th.

16:44 12 Q. So I can represent to you that we have other  
16:44 13 e-mails with Mr. Hackett, but none of them concern  
16:44 14 negotiating proposed findings of fact.

16:44 15 A. Okay. But I had exchanged e-mails with him way  
16:44 16 in advance, actually before the end of 2023, regarding  
16:44 17 the sanction -- the proposed sanction. But, okay, we  
16:44 18 can go ahead and start with the one you want.

16:44 19 Q. Did you produce those e-mails to your counsel?

16:44 20 A. Yes, they were produced to you.

16:44 21 Q. Okay. We will go back. And for the time  
16:44 22 being, I'd like to request production of those.

16:44 23 A. Those were produced to you.

16:44 24 Q. Okay. So the first e-mail that we have in this  
16:44 25 thread --

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16:44 1 A. Okay.

16:44 2 Q. -- it says, "As for the findings of fact, I  
16:45 3 have no dispute with the wording of findings Nos. 1, 2,  
16:45 4 3, 4, 5, 6, 8, 9, and 10." And you request a change to  
16:45 5 No. 7.

16:45 6 A. Okay.

16:45 7 Q. This concerns the singular and plural as we  
16:45 8 just described.

16:45 9 A. Okay. Yes, sir.

16:45 10 Q. Why didn't you request a similar change with  
16:45 11 the other findings where plural ADAs are spoken about?

16:45 12 A. I probably didn't catch it. And I'm assuming  
16:45 13 Mr. Hackett didn't catch it either, because I think he  
16:45 14 agreed to it right away.

16:45 15 Q. Okay. Next e-mail, Mr. Hackett agrees to the  
16:45 16 change --

16:45 17 A. Okay.

16:45 18 Q. -- or, rather, five days later.

16:45 19 A. Okay.

16:45 20 Q. And then you respond and say, "I'd like to  
16:45 21 change No. 4."

16:45 22 A. Yes. And what was happening, of course, is, as  
16:45 23 we were exchanging these e-mails, I would reread the  
16:46 24 proposed findings of fact, and I would find something  
16:46 25 else that I wanted changed. And I was learning very

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16:46 1 quickly that I could at least make these requests.

16:46 2 And then I don't know if he was sending  
16:46 3 them on to the panel. I know that Mr. Hackett was not  
16:46 4 the one making these decisions, because he would always  
16:46 5 have to get back to me. And he would -- it was very  
16:46 6 clear that he had to consult with somebody, and I'm  
16:46 7 assuming it was the panel chair.

16:46 8 Q. And on No. 4, your request was to remove the  
16:46 9 language concerning abortion. And you say, "I  
16:46 10 respectfully contend that the, quote, self-induced  
16:46 11 abortion language is inflammatory." What do you mean  
16:46 12 by that?

16:46 13 A. Because abortion was such a contentious -- is  
16:46 14 such a contentious issue, was a contentious issue then.  
16:46 15 And as I state further down in my e-mail, we were  
16:46 16 getting -- at the very beginning, we were getting  
16:47 17 hundreds of e-mails, some of them threatening, some of  
16:47 18 them basically just asking me to -- to make it right.

16:47 19 I received a package at my office with  
16:47 20 coat hangars in it. I was worried about what I was  
16:47 21 going to get into in my private mailbox at home. In  
16:47 22 fact, when I saw the lawsuit that was filed by you  
16:47 23 guys, you actually put my home address on that lawsuit  
16:47 24 on the original petition, which bothered me a lot,  
16:47 25 because I was -- I was being threatened.

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16:47 1 And I think Alex was getting some of those  
16:47 2 threats also. And that was surprising to me. Because  
16:47 3 I'm a democrat. And I was just shocked at the level of  
16:48 4 vitriol that was coming from people who just didn't  
16:48 5 understand that a mistake had been made, who were -- in  
16:48 6 fact, the -- the professor who filed the grievance  
16:48 7 against me, Ms. Grossman -- who I don't know, doesn't  
16:48 8 even live in the jurisdiction -- she basically in her  
16:48 9 grievance said that I had indicted Ms. Gonzalez for  
16:48 10 political or personal reasons.

16:48 11 And that struck me as being so  
16:48 12 presumptuous, because she didn't know me. And if she  
16:48 13 knew me and -- or she knew Ms. Barrera, it would be  
16:48 14 clear to her that a mistake had been made and it had  
16:48 15 not been for political or personal reasons.

16:48 16 So putting abortion back into a finding of  
16:48 17 facts was, I believe, not necessary and was just going  
16:49 18 to result in more threats, more vitriol, and endanger  
16:49 19 not only me and my family, but Alex and her family, and  
16:49 20 people at the office.

16:49 21 Q. Abortion had been present in this case from the  
16:49 22 beginning?

16:49 23 A. Abortion had been present in the case from the  
16:49 24 beginning. And it was something that was very  
16:49 25 contentious.

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16:49 1 Q. And Ms. Gonzalez didn't put abortion into the  
16:49 2 case.

16:49 3 A. No, I'm not saying she did. I've never blamed  
16:49 4 Ms. Gonzalez for what happened. Not once have I blamed  
16:49 5 Ms. Gonzalez. Ms. Gonzalez was a victim. But by the  
16:49 6 same token, I know that this was a mistake. It was not  
16:49 7 done intentionally.

16:49 8 And, quite honestly, the allegations that  
16:49 9 were made in your original petition were, in my  
16:49 10 opinion, just crazy, unfounded allegations. The  
16:50 11 allegations of conspiracy, the allegations that we  
16:50 12 conspired to do this to Ms. Herrera when I know and  
16:50 13 Alex knows, we all know that this was a mistake.

16:50 14 And a lot of times, the simplest  
16:50 15 explanation is the correct explanation. And in this  
16:50 16 case, the simplest explanation is it was a mistake and  
16:50 17 that's the correct explanation.

16:50 18 So I was concerned about putting language  
16:50 19 like this in a findings of fact. And I think  
16:50 20 Mr. Hackett agreed with me, or whoever made the  
16:50 21 ultimate decision to remove that language agreed with  
16:50 22 me. Sorry for the long-winded answer.

16:50 23 Q. That's okay. I think maybe we can break for a  
16:50 24 bit.

16:50 25 A. Well, I'd like to also point out something

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16:50 1 before we break for a little bit, because this I think  
16:50 2 is real important.

16:50 3 In the same exhibit that you're talking  
16:51 4 about, if you go up to the message -- the e-mail that I  
16:51 5 sent him on January the 19th at 11:47 where I ask  
16:51 6 for -- to change some of the language. And I ask --  
16:51 7 and I tell him basically that I wanted the proposed  
16:51 8 language removed because the language that they were  
16:51 9 trying to put in made it sound like I knew about 19.06  
16:51 10 and that my assistant knew about 19.06 and purposely  
16:51 11 ignored the statute. That's in my e-mail, the one that  
16:51 12 you've failed to mention on this exhibit.

16:51 13 And I believe Mr. Hackett agreed with me.  
16:51 14 And he modified the language, because I did tell him  
16:51 15 that neither one of us was aware of 19.06.

16:51 16 Q. Thank you.

16:51 17 A. You're welcome.

16:51 18 MR. NAVARRO: This Exhibit 38 that you  
16:51 19 handed me --

16:51 20 MR. DONATTI: Yes.

16:52 21 MR. NAVARRO: -- that is Bates-marked  
16:52 22 Defendants' 197 through 2000 --

16:52 23 MR. DONATTI: Are we still on the record?

16:52 24 MR. NAVARRO: Yes, on the record. -- under  
16:52 25 optional completeness on your exhibit, I would ask that

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16:52 1 you go back to the production packet that we gave you,  
16:52 2 because the exhibit includes -- the Outlook e-mails  
16:52 3 start at 194, 195 --

16:52 4 MS. JOHNSON: Let's go off record.

16:52 5 MR. NAVARRO: -- 196.

16:52 6 MR. DONATTI: I don't understand.

16:52 7 MR. NAVARRO: Well, the exhibit is  
16:52 8 incomplete. So when he tells you this is incomplete,  
16:52 9 it is incomplete. And that this -- I was concerned  
16:52 10 that we hadn't produced this to you, but you have these  
16:52 11 additional pages.

16:52 12 THE WITNESS: Yes.

16:52 13 MR. NAVARRO: So I would ask that the  
16:52 14 exhibit be complete under the rule of optional  
16:53 15 completeness.

16:53 16 MR. DONATTI: So what I will tell you is,  
16:53 17 yes, the grievance file was shared with us. The  
16:53 18 grievance file does not contain the earlier exchange  
16:53 19 about the original proposed findings of fact or the  
16:53 20 earlier exchange about disagreements as to the earlier  
16:53 21 proposed findings of fact.

16:53 22 That exhibit is hundreds of pages, so we  
16:53 23 excerpted it so that we could go over the materials  
16:53 24 that you provided. But I stand by what I said, that  
16:53 25 this does not include what Mr. Ramirez was referring to

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16:53 1 specifically.

16:53 2 MR. NAVARRO: Well, I do want him to read  
16:53 3 and sign his depo. So we'll go -- make sure he goes  
16:53 4 through it. But, I mean, you're right, the exhibit is  
16:53 5 345 pages.

16:53 6 MR. DONATTI: Yes.

16:53 7 MR. NAVARRO: So I just wanted to make  
16:53 8 sure, there are some pages that are -- appear to be  
16:53 9 ahead of this one Exhibit 38.

16:53 10 MR. DONATTI: I represent we extracted the  
16:54 11 entire thread at issue here.

16:54 12 MR. NAVARRO: But that's not what the  
16:54 13 exhibit reflects. It's not the entire thread.

16:54 14 MS. JOHNSON: I'm sorry. May we go off  
16:54 15 the record? And I want to make sure we get this right  
16:54 16 for you, Ric, so it's not an issue, that we can do  
16:54 17 that.

16:54 18 MR. NAVARRO: I'm sorry, what?

16:54 19 MS. JOHNSON: May we go off the record  
16:54 20 because of time?

16:54 21 MR. NAVARRO: Yeah, that's fine.

16:54 22 (Brief recess)

17:08 23 Q. We are returning from the short break.

17:08 24 Mr. Ramirez, did you speak with your attorney over the  
17:08 25 break?

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17:08 1 A. I did.

17:08 2 Q. Did you speak with anybody else?

17:08 3 A. No.

17:08 4 Q. Did you send messages to anybody else?

17:08 5 A. No.

17:08 6 Q. Why did you plead guilty to the grievance  
17:08 7 findings?

17:08 8 A. I didn't plead guilty.

17:08 9 Q. Why did you agree to the findings of facts?

17:08 10 A. I agreed to the findings of fact because I was  
17:08 11 told by the investigator that I had two options: I  
17:08 12 could enter into an agreement on the findings of fact,  
17:09 13 or if I didn't come to an agreement on the findings of  
17:09 14 fact, I would -- the next step would be a trial in  
17:09 15 Starr County.

17:09 16 Q. You didn't want to go to trial?

17:09 17 A. I did not want to go to trial. That would have  
17:09 18 been a total disruption of my office.

17:09 19 Q. It would have been a destruction because you  
17:09 20 would have had to --

17:09 21 A. Not a destruction, a disruption.

17:09 22 Q. It would have been a disruption because you  
17:09 23 would have had to air out what happened in this case?

17:09 24 A. No. It would have been a disruption because it  
17:09 25 would have continued the grievance procedure. I would

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17:09 1 have had to prepare for trial. I would have had to put  
17:09 2 all my energy into defending myself in a trial over a  
17:09 3 period of months, if not a year.

17:09 4 Whereas, if I agreed to a findings of fact  
17:09 5 and a judgment, which I did, that would end it at that  
17:09 6 point, and I would serve out whatever sanction was  
17:10 7 issued, and it would be over with, which it is. It was  
17:10 8 the right decision to make for the office and for me  
17:10 9 personally also.

17:10 10 Q. You agree that you failed to refrain --

17:10 11 A. Can I see the exhibit?

17:10 12 Q. Of course.

17:10 13 (Discussion).

17:10 14 Q. You agree that you failed to refrain from  
17:10 15 prosecuting a charge that was known not to be supported  
17:10 16 by probable cause, correct?

17:10 17 A. That is the fifth finding of fact.

17:10 18 Q. And you still agreed to that?

17:10 19 A. That we present -- that she was indicted for a  
17:10 20 charge that was later known not to be supported by  
17:11 21 probable cause -- that was not supported by probable  
17:11 22 cause? Yes.

17:11 23 Q. You knew that the charge was not supported by  
17:11 24 probable cause on February 1st, correct?

17:11 25 A. No, I did not.

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17:11 1 Q. You told Ms. Barrera, "We do not have enough  
17:11 2 evidence here" on February 1st; is that correct?

17:11 3 A. No, I did not.

17:11 4 Q. The next --

17:11 5 A. In fact, where it says that I failed to  
17:11 6 respond -- refrain from prosecuting a charge that was  
17:11 7 known, I don't know who they're talking about that it  
17:11 8 was known, because I made it very clear to Mr. Hackett,  
17:11 9 and the e-mails reflect that I made it clear to  
17:11 10 Mr. Hackett that neither Ms. Barrera or myself were  
17:11 11 aware of 19.06, and neither was Mr. Villarreal.

17:11 12 Q. And No. 8.

17:11 13 A. Okay.

17:11 14 Q. What were the violations of disciplinary rules  
17:11 15 by your assistant district attorneys?

17:11 16 A. No, no. It's -- the violation of the  
17:11 17 disciplinary rules I'm assuming was the presentation of  
17:11 18 the case to a grand jury. The failure to take remedial  
17:12 19 action, I didn't understand that, because that finding  
17:12 20 that I failed to take remedial action or mitigate  
17:12 21 consequences, their -- their take -- the grievance  
17:12 22 committee's take on that was that remedial action would  
17:12 23 have been to discipline Ms. Barrera.

17:12 24 My understanding of that was that  
17:12 25 Ms. Barrera was not going to -- my discipline --

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17:12 1 disciplining Ms. Barrera was not going to remedy the  
17:12 2 situation. Remedial action in my opinion is action  
17:12 3 that would correct the situation.

17:12 4 But I agreed to that finding of fact  
17:12 5 because that was their interpretation that I had --  
17:12 6 should have sanctioned or somehow disciplined  
17:12 7 Ms. Barrera and I failed to do that.

17:12 8 Q. No. 10, it says In connection with the  
17:13 9 investigation made the basis of this disciplinary  
17:13 10 matter, respondent, you, Mr. Ramirez, knowingly made a  
17:13 11 false statement of material fact in your written  
17:13 12 response to the complaint. What was the false  
17:13 13 statement of material fact?

17:13 14 A. It was in the written -- my first written  
17:13 15 response to the grievance. I put in that response that  
17:13 16 I was not aware of any of the facts of the case. And  
17:13 17 then when we had the actual investigatory hearing, I  
17:13 18 told them that I had been briefed on some of the facts  
17:13 19 by Ms. Barrera, which I had been.

17:13 20 So Mr. -- I told Mr. Hackett that -- he  
17:13 21 said, Well -- he said, "It's not that big a deal." He  
17:13 22 said, "Your initial response to the grievance was not  
17:13 23 under oath, and it's more of a technical issue, because  
17:13 24 you've put down in your original answer that you had  
17:14 25 not been briefed on any of the facts," when, in fact, I

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17:14 1 had been briefed on some of the facts.

17:14 2 Q. And you agreed to these findings of fact,  
17:14 3 correct?

17:14 4 A. I agreed to -- to these findings of fact to  
17:14 5 resolve the case, yes, I did.

17:14 6 Q. In fact, you negotiated back and forth on the  
17:14 7 language to be used.

17:14 8 A. I negotiated?

17:14 9 Q. Correct.

17:14 10 A. I negotiated on everything, including the --  
17:14 11 the fees and expenses. Even that was negotiated.

17:14 12 Q. So going back to the aftermath of the -- well,  
17:14 13 let's go back to early April of 2022. Who else did you  
17:14 14 talk to that we haven't discussed yet about the arrest  
17:14 15 of Lizelle Gonzalez?

17:14 16 A. Besides my family, I don't -- and the people  
17:14 17 that we've discussed, I can't think of anybody else  
17:15 18 that I discussed it with.

17:15 19 Q. You spoke to Rosita Rocha about the arrest of  
17:15 20 Lizelle Gonzalez?

17:15 21 A. I don't remember talking to her about the  
17:15 22 arrest of Lizelle Gonzalez.

17:15 23 Q. What is your relationship with Ms. Rocha?

17:15 24 A. She's also an acquaintance. I know her. She  
17:15 25 used to work at the sheriff's department when I first

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17:15 1       went to Starr County.

17:15 2           Q.   Have you ever had a romantic relation with  
17:15 3       Ms. Rocha?

17:15 4           A.   I have.   Not a romantic relationship, a sexual  
17:15 5       relationship.

17:15 6           Q.   You have invited Ms. Rocha to your office?

17:15 7           A.   No.

17:15 8           Q.   You have invited Ms. Rocha to your home?

17:15 9           A.   She's been to my home.   When I was single, she  
17:15 10       came to the house.   I don't think she's ever been to my  
17:15 11       office.   Her son has been to my office to borrow money.

17:15 12          Q.   Who else did you speak to about this case?

17:15 13          A.   I don't think I spoke to any friends about it.  
17:15 14       I've spoken to my attorneys about -- oh, I spoke to the  
17:16 15       county attorney about it because I had to get a defense  
17:16 16       when you filed the lawsuit.   So the talk to -- if  
17:16 17       you're talking about this case that we're taking the  
17:16 18       depo on, that's -- I'm sorry.

17:16 19          Q.   I'm talking about Ms. Gonzalez's --

17:16 20          A.   Ms. Herrera's case?

17:16 21          Q.   Yes.

17:16 22          A.   I don't think I've had any in-depth  
17:16 23       conversations with anybody except my family, and that  
17:16 24       really hasn't been in-depth, and with the ADAs on the  
17:16 25       date that -- that everything started to happen.

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17:16 1 After -- after everything was done and the case was  
17:16 2 dismissed, I don't believe that I had conversations  
17:16 3 with anybody at length about the case.

17:16 4 Q. In regard to this case, the civil litigation  
17:16 5 against you, you spoke to Starr County Judge Roy Vela  
17:16 6 about this case?

17:16 7 A. No. It's -- the Starr County judge is Eloy  
17:16 8 Vera.

17:16 9 Q. Eloy Vera.

17:17 10 A. And I didn't talk to him about the case. I  
17:17 11 think I spoke to the county attorney who then spoke to  
17:17 12 the judge about getting coverage -- or getting a  
17:17 13 defense.

17:17 14 Q. Earlier, we spoke about remediation, and you  
17:17 15 said that remediation was making the situation right,  
17:17 16 correct?

17:17 17 A. That's correct. I think that -- that was my  
17:17 18 interpretation of what they -- their interpretation of  
17:17 19 remedial action was I should have disciplined  
17:17 20 Ms. Barrera. My interpretation of remedial action with  
17:17 21 reference to these findings of fact was that I did  
17:17 22 everything that I could do to make it right by  
17:17 23 dismissing the case.

17:17 24 Q. Remedial action also could have been making  
17:17 25 sure that this situation never happens again, correct?

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17:17 1 A. I am positive that it will never happen again.

17:18 2 Q. You never conducted an internal investigation  
17:18 3 related to this case, correct?

17:18 4 A. This -- there's not a -- no, I never conducted  
17:18 5 an internal investigation regarding this case. It's a  
17:18 6 small office. We -- we knew what happened.

17:18 7 Q. You didn't talk to Ms. Barrera about what  
17:18 8 happened?

17:18 9 A. Yes, we did talk to -- I did talk to  
17:18 10 Ms. Barrera. Not about what happened, but about the  
17:18 11 mistake that was made. On the 9th, there were lots of  
17:18 12 conversations going back and forth about what happened,  
17:18 13 what happened, should it have happened, let's look at  
17:18 14 this, let's look at that. Yeah, there was -- there  
17:18 15 were a lot of conversations going back and forth.

17:18 16 Q. These conversations were with you in your  
17:18 17 office?

17:18 18 A. No. They were -- it was a weekend, so I was at  
17:18 19 home. And I spoke to Ms. Barrera by phone. I'm  
17:18 20 positive. The text messages you have. I'm sure that  
17:18 21 we spoke on the phone. I spoke on the phone to Abel.  
17:19 22 I may have spoken on the phone to Judy, although I'm  
17:19 23 not positive about that. I don't think I spoke to  
17:19 24 Alfredo about it. Didn't speak to anybody else from  
17:19 25 the staff because none of them were actually involved.

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17:19 1 Q. Have you spoken to Ms. Barrera about this case?

17:19 2 A. No. The only -- the only time I spoke to  
17:19 3 Ms. Barrera about this case was when I was initially  
17:19 4 served with the original complaint that you filed. And  
17:19 5 I was just flabbergasted by the allegations that were  
17:19 6 being made totally unfounded without any evidence,  
17:19 7 totally erroneous, alleging conspiracies right and  
17:19 8 left.

17:19 9 So I'm sure that I mentioned that to her  
17:19 10 and probably said something to the effect of this is  
17:19 11 just kind of crazy what is being alleged here. And  
17:20 12 then she got served, and the language was the same and  
17:20 13 it was -- it was actually pretty absurd.

17:20 14 Q. You never talked to her again about this case?

17:20 15 A. No, because I felt that it was better if we  
17:20 16 just didn't talk about it. That's why I haven't Zoomed  
17:20 17 in on any of the depositions except Ms. Herrera's deposition.  
17:20 18 I felt that it would be wiser as an attorney -- I  
17:20 19 thought it would be wiser to just let everybody have  
17:20 20 their say without any influence from anybody else. And  
17:20 21 I'm very confident that the truth is going to come out,  
17:20 22 has come out.

17:20 23 Q. Have you changed your office's practices at  
17:20 24 all?

17:20 25 A. In what way?

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

LIZELLE GONZALEZ	) (	
Plaintiff	) (	
	) (	
VS.	) (	CIVIL ACTION NO.
	) (	7:24-cv-00132
GOCHA ALLEN RAMIREZ,	) (	
ALEXANDRIA LYNN BARRERA,	) (	
RENE FUENTES, and STARR	) (	
COUNTY, TEXAS	) (	
Defendants	) (	

REPORTER'S CERTIFICATE

I, DONNA MCCOWN, Certified Court Reporter, certify that the witness, GOCHA ALLEN RAMIREZ, was duly sworn by me, and that the deposition transcript is a true and correct record of the testimony given by the witness in person on APRIL 7, 2025, and that the deposition was reported by me in stenograph and was subsequently transcribed under my supervision.

Pursuant to Federal Rule 30(e)(2), a review of the transcript was requested.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, nor am I financially interested in the action.

WITNESS MY HAND on this the \_\_\_\_\_ day  
\_\_\_\_\_, 2025.



*Donna McCown*  
DONNA MCCOWN, Texas CSR 6625  
Expiration Date: 01-31-26  
Bryant & Stingley, Inc., CRN No. 41  
P.O. Box 3420  
Harlingen, Texas 78551  
(956) 428-0755

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